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# DEBATES

IN

# THE HOUSE OF COMMONS

IN 1625.

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SAMUEL RAWSON GARDINER.

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# PREFACE.

For the present publication the Society have to thank the liberality of Sir Rainald Knightley, Bart., the manuscript from which it was taken having been preserved in the library at Fawsley. Some years ago it was examined by our late Director, whose opinion has been carefully preserved on a sheet of paper lying amongst the first leaves of the book, and has since been printed in the third Report of the Historical MSS. Commission, p. 254. A more lengthened examination than Mr. Bruce appears to have been able to give to the MS. only served to corroborate the favourable opinion which he formed of it; and, even though much of its contents are anticipated by the considerable extracts from Eliot's *Negotium Posterorum*, printed by Mr. Forster in his biography of Sir John Eliot, there is even now quite enough of independent information to be gained from it to warrant its publication, especially as the debates reported in it are of such extreme historical importance.

The MS. is a copy taken, it would seem, by some one who was ignorant of Latin. The original writer appears to have also taken notes in the preceding Parliament. For there exists a book of extracts, chiefly on business matters (Add. MSS. 26,639), from a report of the two Parliaments, the part relating to 1625 being taken from a report of which the Fawsley MS. is a copy. I have been

able to use these extracts in correcting transcriber's errors, and have for brevity's sake referred to them as A.

In the Appendix will be found an independent report of the greater part of the Oxford debates, which is even of greater interest than that in the text. This is followed by some letters relating to the session, by a defence of the conduct of the Government with respect to those foreign affairs which attracted so much attention at Oxford, and by a report from Pym upon Montague's case, which, though delivered in the succeeding Parliament, may be regarded as the final word of those who moved the attack in 1625.

I have to express my warmest thanks to Mr. Forster for placing unreservedly in my hands his copy of the *Negotium Posterorum*. For ordinary readers, the very full extracts which he has printed are quite sufficient. Nothing in fact, except of a very microscopic nature, has been omitted in his selections or his abbreviations. But it will be easily understood that in editing the present report it was often of the utmost consequence to me, not merely to know what Eliot said, but to be quite certain what he did not say.

Space will not allow me here to anticipate the account of the history of the period, which I hope some day or another to attempt. But a few words to point out what seems to me the general bearing of the present publication upon our knowledge of this Parliament will not be out of place.

All historians have concurred in rating highly the importance of the first Parliament of Charles I. to a right understanding of subsequent events. When it was summoned, the King and the House of Commons appeared to be on the best of terms. When it was dissolved, the great quarrel between them had fairly commenced. But important as the session was acknowledged to be, until the

appearance of Mr. Forster's Sir John Eliot, very little was known about the debates. There is a large *lacuna* in the Journals, and the reports given are poor and scanty.

The key to the riddle is doubtless to be found in the history of the previous year, and especially in the records of the Parliament of 1624. Modern writers, indeed, have been so struck by the conflict of opinion between James on the one hand, and Charles and Buckingham supported by Parliament on the other, that they have written as if the only question at issue had been whether war should be declared against Spain or no. But the original records tell a different tale. They show that there was another conflict of opinion, pregnant with future consequences, in which James, supported this time by Buckingham and his son, was at issue with the House of Commons. The Commons, with an eye to the limited resources of the nation, would be content to fight Spain at sea, to give some aid to the Dutch, and to place England and Ireland in a state of defence. James, who was shrewd enough to know that such warfare as this would never recover the Palatinate, wished to form a great Continental alliance, and to throw the main weight of the war upon Germany. At last a compromise was hit upon; the subsidies paid over to treasurers appointed by Parliament were to be expended on the objects preferred by the Commons, whilst the summer was to be given up to James to form his alliances, he engaging to summon Parliament again in the autumn, in order to give account of the expenditure of the money, and to consult with the Houses on his future plans.

It is impossible to tell here the story of the negotiations and projects which thickly followed upon one another. It is enough to say that under Buckingham's guidance this engagement was broken.

In confidence upon the friendship of Louis XIII., the French marriage was arranged upon terms to which Charles had assured the Commons that he never would submit. The King's promise to summon Parliament in the autumn was no less broken. Buckingham's schemes for a Continental war on the largest scale far outstripped the sober requirements of the old King. There was an engagement for a joint expedition with the French, under Mansfeld, against the Palatinate, costing England 20,000*l.* a month. There was an engagement for a subsidy of 30,000*l.* a month to the King of Denmark, to enable him to take the field in the North of Germany. There were plans for sending ships to attack Genoa, and an army to besiege Dunkirk. And all this on the simple faith that when Parliament met it would vote the enormous sums needed to carry out a policy far wilder than that of which every independent speaker who touched upon the subject in the last session had expressed his decided disapprobation.

The failure of Mansfeld's expedition, and the rumours of the concessions made to the Catholics in the treaty of marriage, were undoubtedly not without their weight with the Commons when they met for the first time under the new reign. But the leading fact of the situation was that when King and Commons met, there was a fundamental difference between them which it was hardly possible to bridge over.

At the same time Eliot's view of the case may very likely be correct too. His notes, so far as they relate to the past feelings of the members, were written long afterwards, and it is hardly possible that they should not to some extent have been influenced by the flood of events which had passed over him. His imagination was too strong to allow him always to be a calm judge of the thoughts and

feelings of others. He was a warm friend and a good hater. Vice, baseness, and immorality in his eyes admitted of no qualifications, and where he trusted he trusted wholly. There is, however, no reason to doubt the general truthfulness of his picture. The Commons had come up ignorant of much that had passed, and inclined to be satisfied if satisfaction could be given. The young King's speech was brief, touching only upon such points as were likely to please them. But it gave them no details about the state of affairs, and there were no signs that any one else was going to supply the omission. It is possible that Charles was actuated by that reluctance to defend his own conduct which he always showed. It is hardly likely that he would have admitted to himself that he had a bad case to defend. Whatever the reason may have been, the reins were allowed to drop from his hands. The Commons were invited in general terms by the Lord Keeper to give money. But how much was wanted, and what it was wanted for, they were not told.

What followed, in the debate of the 21st of June, as given in the present publication, is significant of the turn things were taking. It is already known that a motion was made by Mallory to adjourn the House at once, and Eliot's interpretation is that this was done in order to postpone investigation into the Yorkshire election, the seats of Wentworth and Fairfax having been questioned. Eliot had, however, no means of knowing what Mallory's or Wentworth's motives were, and it seems unlikely that Wentworth would have stooped to such an artifice in order to postpone an investigation which must come at last, for the sake of remaining a member of a Parliament which was not sitting. It would seem far more reasonable to suppose that it was a political move. Wentworth and the Northern

men objected to the war with Spain. In the preceding October, on receiving the news that Parliament had been postponed till February, he had written to Calvert: "For my part I take it well, and conceive the bargain wholesome on our side that we save three other subsidies and fifteenths."[a] Is it unlikely that he was of the same way of thinking now?

Wentworth's motives however are of slight importance compared with the fact that he received the support of Sir Robert Philips, a fact which, though it is passed over in silence by Eliot, has always been known from the Journals, though it is only now (p. 7) that we learn that his opposition was based upon the necessity of looking into the state of the Commonwealth, and of taking account of the last supply before voting fresh subsidies. Philips at least, one would suppose, can have had nothing to do with the Yorkshire election.

For the time, however, nothing came of this premature proposal, but it is evident that the spirit of discontent was there, and might spread widely, unless Charles could conform his policy with the policy of the House.

Yet it may fairly be said that, even as early as this, such a course was almost impossible. The engagements under which Charles had brought himself for the next twelvemonth may be taken approximately at the following sums:

| | £ |
|---|---|
| King of Denmark | 360,000 |
| Mansfeld | 240,000 |
| Troops in the Low Countries | 100,000 |
| Reinforcements for Ireland | 25,000 |
| Fleet and Army to attack Spain | 300,000 |
| | 1,025,000 |

[a] Strafford Letters, i. 24.

Of all this, only the expenditure for Ireland and the setting out a fleet without any land soldiers on board, that is to say a total expenditure, at the most, of 250,000*l.* or 300,000*l.* had received any sanction from Parliament at all. Charles was therefore in this dilemma: if he told the whole story, he would ask for more than he was likely to get; if he did not tell it, the House would be inclined to vote in accordance with its own ideas, and not in accordance with his.

In this difficulty Charles made up his mind to do simply nothing. Rudyerd got up on the 22nd to praise the King, and to recommend that only necessary business should be attended to. But what that necessary business was he did not say, nor was he followed by a single official member. As far as the King was concerned the reins were thrown upon the horse's neck, to take which road he pleased.

Nothing can be discovered with certainty as to Charles's motives for this extraordinary course; perhaps the most probable explanation is, that he had so strong a belief in his own popularity that he expected the House to vote him all that he wanted without requiring him to go into disagreeable details.

The King's policy, whatever it was, failed entirely. The Commons thought that the question of religion was the most necessary business, and some days were spent on the discussion of a petition demanding ameliorations in the regulations of the Church, and the enforcement of the penal laws against the Catholics.

As soon as this subject had been got rid of, on the morning of the 30th of June, "the proposition," as Eliot tells us, "was admitted for supply. *Some art there was to extenuate the proportion*, and therefore it was begun by a gentleman of the Country, who, unexpected by the Courtiers, falling on that subject, and pitching on a particular

of one subsidy and fifteenth, all their rhetoric and labour could hardly thence remove it."

So much was said afterwards of the readiness of the House to support the King, and of his unreasonableness in asking for more subsequently, that it is as well to remember that the sum proposed amounted at the utmost to 85,000*l.*, and that the two subsidies actually voted amounted at the utmost to 140,000*l.* Such a proposal could mean nothing else than a polite refusal to take any further responsibility for the war, a view of the case which is further strengthened by the knowledge, now acquired (p. 30), that the mover was Sir Francis Seymour, who, in the last Parliament, had been most anxious for a war with Spain, and most decided in his declaration against a war in Germany. "He had heard," he is reported to have said, on the 14th of March, 1624, "wars spoken on, and an army, but would be glad to hear where. The Palatinate the place intended by his Majesty. This we never thought of, nor fit for the consideration of this House in regard of the infinite charge."

The Courtiers, as is well known, were taken by surprise. They had no instructions, and they allowed the amended motion to be carried, as for two subsidies, without remonstrance.

It can hardly be otherwise than a matter of regret that the combat should have been commenced in such a way. It would surely have placed the Commons in a fairer position, if they had waited with dignity till the King chose to make his proposal in a formal way, when they would have been able to meet him fairly face to face. Seymour's use of "some art to extenuate the proportion," or in other words, his successful attempt to snatch a division, only led to a series of misunderstandings, from which both parties suffered.

But, on the other hand, whatever objection may fairly be taken to the manner in which the Commons proceeded, the King's position was altogether indefensible. Common courtesy, to say nothing of the precedents of Parliamentary business, required that, before this, he should, either by his own voice, or by that of some high official, have told the House at least for what purposes he wanted their money. This had been the course adopted by James in the winter sitting of the Parliament of 1621, and in the Parliament of 1624. It was preposterous to say that because Parliament had engaged the King in a war, they were bound to support him whatever course he might take with reference to that war. No doubt circumstances might arise when a King might call upon the Parliament to trust him to the uttermost. But it was early in Charles's life to make such an appeal, and those to whom it was made would not be encouraged by Mansfeld's disasters to repose unlimited confidence in their youthful sovereign.

Nor were they likely to be encouraged by the manner in which the late King's engagement to them had been kept. On the 23rd of March in the preceding year James, when he thanked the House for the subsidies offered, had said:—"In the next session you will consider how this had been husbanded, and according to that, think what is next to be done; and it will spur you the more to enable me for the rest." To give account of the past, and to consult for the future, was the intention announced by James. To give no account of the past, unless he were compelled to do so, and to expect confidence to be shown in himself without any consultation at all, was the line of action adopted by Charles. Human nature—Parliamentary human nature at least—was not likely to submit to be so tamely effaced, even if there had been no reason

to believe that the policy which the King was bent upon carrying out, was otherwise than diametrically opposed to the policy of which the House approved.

It is not necessary to say much more about the remainder of the sitting at Westminster. When once the idea has been grasped that there was a fundamental difference between the King and the House antecedently to the opening of the session, all that followed the vote of the two subsidies on the 30th of June ceases to call for any particular observation. It would have been strange indeed if Charles had been satisfied. Rightly or wrongly he had set armies in motion, and had pledged his word for hundreds of thousands of pounds, in confidence that the House of Commons would, in due course, take up his obligations. And it was perhaps natural enough that the House, never having given the slightest ground for these expectations, and not having any intention of changing its views, should take refuge in side issues, and should persuade itself that the King had precluded himself from asking what he wanted by the manner in which he had accepted their two subsidies, rather than face the fact boldly that between them and the King there was no longer a common ground of agreement.

The summons of the Houses to meet at Oxford was a resource which from the first had hardly a chance of being successful. What the Commons wanted was evidently to refuse the King's demands without showing disrespect to his person. And now that the full extent of those demands were known, they were unavoidably led to question the soundness of advice under which he had acted, and to assail the minister by whom the advice had been given. Charles too made his proposal in a form most likely to arouse the gravest suspicion. Retaining all the scaffolding of the Continental war, he

contented himself with asking for a mere 40,000*l.* to finish the preparation of the fleet. He made no sign of any intention to relinquish his pledges to Mansfeld and the King of Denmark. But neither did he make any sign of pressing upon the Commons the necessity of enabling him to fulfil his pledges. Such a position was altogether untenable. He must want more than he asked for, unless he had abandoned his designs. That he was acting without proper counsel was the obvious inference.

The great debate began on the 5th of August, and was at once carried upon this ground of want of confidence in the councillors by whom the King had been advised. Whistler wished to ask the Lords what they thought about the matter. Sir Simon Weston wished to know their enemy—whether, that is to say, they were going to fight Spain or the Emperor. Sir Francis Seymour had doubts of the whole past conduct of the war. But these limits were soon transcended. After May had represented the enlargement of the limits of the war as an advantage rather than a misfortune, Philips questioned the whole action of the Government since the last Parliament, glanced at the breach of engagements entered into then, and, expressing his entire want of confidence in the King's advisers, proposed that the House should leave those who had given the advice to get out of the difficulty in their own way. The Commons would busy themselves with reforming the home government. To this course Weston took objection, and was followed by Coke, who without paying any regard to the point at issue, gave utterance to a long speech on domestic reform.

The important speech of the day on the Government side was that of Heath, who in this session exhibited qualities which, if his cause had been better, and if his professional advancement had not early separated him from Parliamentary life, would probably have

placed him in the front rank of Members of the House of Commons. Passing by entirely the weak point of his case, the wide extension of operations, and the apparent want of deliberation with which they had been planned, he admitted that the House was not engaged to anything the King might ask, but urged that it was engaged to do anything reasonable to supply the King in the circumstances in which he had been placed in consequence of the declaration for the breach of the treaties in 1624. Then dealing with the objection that no enemy had been declared, and treating it as arising from fear that there would be no war with Spain after all, he moved that the King should be asked to declare his enemy. If Buckingham had done wrong let his conduct be inquired into. But let not the subsidies be delayed.

He was answered—if the order of the speeches given at p. 88 and in the Appendix is correct—by Edward Alford, and the words then spoken, which have been now at last fully recovered, enable us to understand why Alford was excluded from the next Parliament, with more important men. "He holdeth," he is reported to have said (p. 135), "we are not engaged to give for the recovery of the Palatinate; for when it was in the Act of Parliament, as it was first penned, it was struck out by the order of the House, as a thing unfit to engage the House for the recovery of the Palatinate; and, if possible, yet not without great charge and difficulty."

Here, in fact, was what Charles and Buckingham had to explain. How was it that they had entered upon a completely new policy, involving enormous expenditure, and had then treated its support by the Commons as a matter of course implied in the declaration of 1624, which, in point of fact, looked to a different policy altogether?

To this question thus thrust home by Alford, the Government officials had no reply whatever to give.

The afternoon, as we learn from Eliot, was spent in active can-

vassing on both sides; and the next day, after an episode relating to a Roman Catholic lady in Dorsetshire, a debate was begun which is represented by Mr. Forster (Sir J. Eliot i. 386) as carried on in opposition to the Court. As it appears to me that Mr. Forster has misunderstood the evidence before him, and that, even as given in the Journals, the speakers use a language quite different from that of the day before, I proceed to quote this part of the proceedings from the Journals:—

Sir H. Mildmay. We are not absolutely engaged to maintain a war, but to assist and supply the King in a war.—Moveth, first to know what money will serve for the fleet; then, though not by subsidy, yet by some other course (whereof there are precedents), and which being done in Parliament is a Parliamentary course, to raise this supply.

Mr. Coryton. A Committee to consider of what fit to be done, both for supply of the King, and relief of the Kingdom, wherein religion to have the first place.

Sir Jo. Eliot. First to resolve whether fit to petition the King for a recess now. Moveth a Committee, for a petition to the King, to sit.

Sir Jo. Cooke moveth the Commission for the navy may be examined.

Mr. Strode moveth a grand Committee presently, to consider of the King's supply; and that all that speak may apply themselves to this: How the two subsidies and fifteens, payable more than one year hence, can supply the navy to go out within fourteen days.

Sir Jo. Stradling. Accordant, and that this will breed a jealousy that we will not give in due time without a gift now.

Sir Nath. Rich. Not to refuse to give; but first to represent to the King our wants. 1. For religion: to have his Majesty's answer in full Parliament, and enrolled, which then of the force of an Act of Parliament. 2. To know the enemy against whom our war is to be made. 3. The necessity of an advised council, for government of the great affairs of the Kingdom. 4. The necessity of looking into the King's estate. 5. To have his Majesty's answer concerning impositions. To have a Committee for these. Though this time not fit for the decision of all these points, yet to set down the heads of them, and then to have the King's answer in Parliament unto them. This no capitulating with the King, but an ordinary Parliamentary course, as 22° Ed. III., and that without which the Commonwealth can neither supply the King, nor subsist.

For this discussion, Eliot's own narrative fails us almost entirely. He passes at once from the affair of the Dorsetshire Roman

Catholics to Sir N. Rich's five propositions. We have therefore to gather our knowledge from the Journals as just quoted, and from the reports in the text and in the Appendix.

The first thing that strikes us is the absence of all decided opposition. Nothing like the speeches uttered by Philips or Coke or Seymour on the preceding day are found in this debate. It is begun by Sir Henry Mildmay, the Master of the Jewel-house, a man not likely to put himself into opposition to the Court, and who, in fact, asked that they should inquire what amount was needed to set out the fleet, and that they should then supply the money, not by subsidies, but by some other Parliamentary contribution, a move which was, I suppose, intended to meet the technical objection that there could not be a second set of subsidies in the same Parliament, and also perhaps to secure the collection of the money at once.

Mildmay was succeeded by Eliot's friend Coryton, who proposed that the King should be supplied if there was a necessity, that the state of the King's revenue should be looked into, that the impositions should be inquired into, and religion cared for.

Then came Eliot with a speech which will be found in the Appendix, but which he did not think fit even to mention in his own narrative, and of which no adequate idea can be formed either from the Journals or the report in the text.

It is perhaps not to be wondered that he did not care to recall what he had said on that day. Not that he said anything which was not in the highest degree creditable to him. But it was his last effort as a mediator—his last expression of any sort of confidence in Buckingham; and no man likes to recall an effort which had failed entirely, especially when that effort had been made through misplaced confidence in another. His own position was a peculiar one. He had known Buckingham before the days of his greatness,

and was officially connected with him as Vice-Admiral of Devon. He had been released from an unjust imprisonment when Buckingham returned from Spain; we can hardly doubt by Buckingham's direct influence. In the Parliament of 1624 he had approved warmly of the breach with Spain of which Buckingham was the chief instigator, though he never joined in the unbounded laudations of the favourite to which Coke thought it fitting to give utterance. He had been selected as one of those who were to accompany the Duke when he went to act as proxy for Charles at his marriage, and would doubtless have gone with him if circumstances had not prevented Buckingham's journey. When Buckingham went at last, it was not as proxy in the marriage ceremony, but on a special political mission, on which he went in such a hurry that he had to leave his wardrobe to follow him. No inference can therefore be drawn of any disfavour shown to Eliot. At Westminster, as is well known since Mr. Forster's publication of the extracts from the *Negotium Posterorum*, Eliot was chosen, as the most influential person with the Duke, to urge him to abandon the notion of asking for a second supply.

And now, with all this before us, let us look at Eliot's speech as it stands in the Appendix (p. 137), probably one requiring greater qualities of courage and self-reliance than any of his more famous efforts in the next Parliament. Then, if he risked his liberty, and perhaps his life, in an attack upon an all-powerful minister, he had the knowledge that he was in unison with the sentiments of the great majority of those around him. He now stood up apart alike from members of the Government and members of the Opposition, to say things which might not be agreeable to the man to whom he owed much, but which also might not be agreeable to Philips, or Coke, or Seymour.

He pointed at once to the two weak points in the position of the Government—the extension of the war upon the Continent, without result; and the long delay in sending out the fleet. But he would not hear of any personal attack upon Buckingham, throwing the blame for anything which had gone wrong upon the Navy Commissioners; and he refused, as he subsequently refused in 1626, to see any difficulty in the way of granting subsidies, if they were really needed.

Eliot's speech, in fact, reduced itself to this: There are grave doubts about the policy of the Government. But do not let us be drawn aside by personal questions or legal technicalities from our plain duty of finding out what is really needed, in order that we may at once supply the need.

After an angry protest from Sir John Coke against Eliot's suggestion that the Navy Commission, of which he was the leading member, was at fault, Sir William Strode,[a] or Mr. Strode—the name is given differently in different reports—asked how two subsidies, to be paid a year and a half hence, could supply the fleet now, as an argument, apparently, for adopting Sir H. Mildmay's proposal of an immediate grant in another form.

Sir Nathaniel Rich then brought forward five conditions of a settlement. 1. They must have a satisfactory answer about religion. 2. They must know against what enemy they were to fight. 3. There must be a settled Council for Government. 4. The King's revenue must be subjected to inquiry. 5. An answer must be obtained from the King about the impositions.

After this came Clerke, with his violent language throwing the

[a] In the Journals, and the Appendix, part of the speech is given to Sir John Stradling.

debate into confusion. But it did not close till Philips had formally adopted the platform of Sir N. Rich (p. 140).

What then was the meaning of all this? The speeches of Mildmay, Coryton, Eliot, Strode, and Rich all point in one direction; they all express a willingness to grant supply in one form or another, but all accompany it with more or less stringent conditions. The King, according to Rich, would have to give up his claim to the impositions; Buckingham would have to submit to see his designs criticised by a settled Council. And yet neither Heath, nor Weston, nor any one else on the part of the Government, rose to object.

Eight days later, Williams, in a paper placed in the King's hand, named Rich, together with Eliot, Saye, and Sir William Strode, as persons "never out of my Lord Duke's chamber and bosom" (Hacket, ii. 18); and, though there may have been considerable exaggeration, it it certain that, under the circumstances, Williams would not have ventured on the statement if it had been without foundation.

The move thus made may therefore, I think, be fairly regarded as one proceeding from the wiser friends of Buckingham. How far it had already been submitted to his approval is a question of no very material importance. Eliot in his narrative, indeed, brings in the Duke's part in the business after the sitting of the morning of the 6th. But, considering the way in which he passes over the whole debate, except Rich's proposal, this can hardly be taken as a warrant for our disbelief in the very probable inference that Buckingham had been made aware, on the afternoon of the 5th, of what was to be proposed on the following day. Nor, indeed, do Eliot's words necessarily imply more than that Buckingham's friends

argued with him after the debate on the 6th, not that they had not argued with him before. After giving an account of the incident of Clerke's committal, Eliot proceeds in the following way:—

That gentleman being in some nearness to the Duke, this made him reflect more sensible on himselfe, and by his neighbour's fire to thinke his house in danger. All his adherents tould him it was an approach upon his saftie. The advice he had was much to indeavour an accommodation with the Parliament. The errors most insisted on were laid to be excusable if retracted. That the wante of counsells might be satisfied by a free admission to the Board. The greatest difficultie was conceaved to rest in religion, and the fleet. In the first the jelosie being derived from his protection given to Montague; for the latter, that it had soe unnecessarie a preparation and expense; and yet in both that ther might be a reconciliation for himselfe. Sending the fleet to sea, and giving others the command, was propounded as a remedie for the one, having these reasons to support it: that the designe could not be knowne, nor, if ther wanted one, that judged by the success; and the success was answearable but by those that had the action. For the other, it was said that the leaving of Mountague to his punishment, and the withdrawing that protection, would be a satisfaction for the present, with some publick declaration in the pointe, and a faire parting of that meeting. That the danger of the time was a great cause of the dislike. That the dislike had ushered in most of those questions that were raised. Therefore, to free them from that danger would dissolve the present difficultie, and facilitat the waie to a future temper for agreement. That noe deniall could be look't for in the resolutions of the Parliament, nor counsells for their help, such suspitions being raisd. The fleet must needs goe foorth to color the preparation, and the returne might yield something to justifie the worke, at least in excuse and apologie for himselfe, by translation of the faulte.

These and the like counsells were presented to the Duke, which wrought an inclination for the instant that gave his friends some hope. But those that were about him gave it an alteration in the cabanet, soe unhappie are great persons to be obnoxious to ill councells, and some by everie art of flatterie to be moveable, not having constancie in themselves. Of which the Duke was a full character and instance, who, being uncertaine to his counsells, proved unfaithful to himself. He had once determined to be guided by his friends, but his parasites were more powerfull to distract him from their principles, which then increased his troubles, and after proved his ruine.[a]

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[a] This extract has been already published by Mr. Forster, but I have thought it worth while to repeat it.

It is not necessary to suppose that all this advice was given by Eliot himself. But a comparison of it with his speech of the 6th will show how very much of it was in accordance with his thoughts. But we need not use quite such hard words about Buckingham as Eliot did. Fully recognising that the lines drawn by Eliot were the only ones within which an understanding with the Commons was possible—and, if we set aside the questionable religious policy of the Lower House, we may fairly add the only ones within which an understanding ought to have been possible—we are also bound to acknowledge that these conditions were very hard for the King and his minister to bear. By surrendering his claim to impositions which had been pronounced to be his by a legal court, Charles would have given up that independent position which had been for so many years the strength of the Tudor monarchy. By concentrating his warlike operations upon the fleet, he would have abandoned all that grand fabric of the Continental alliances which had been built up so rashly, but in such thorough good faith ;[a] and in doing this he would have to break the solemn pledges which he had given to half the States of Europe. And, lastly, he would have, by the formation of a new Council, or by reposing greater confidence in his existing one, to give up that direction of foreign policy, which, though it was really in Buckingham's hands, had always been exercised through him, and which he had thoroughly claimed as his own. To any one who knows what—it must never be forgotten—Eliot did not and could not know, the real course of events between the two Parliaments of 1624 and 1625, it would have seemed little short of a miracle if Charles

[a] The theory that Charles and Buckingham were not in earnest at this time about the war for the Palatinate, breaks down completely before a thorough investigation of the contemporary evidence.

and Buckingham had conceded all that Eliot wished them to concede.

The breach, final and irreparable, which followed upon Buckingham's declaration of the 8th of August is matter of history. It will be unnecessary here to do more than to refer to some few points on which the present publication enables us to correct Mr. Forster's account founded on the *Negotium Posterorum* and the Port Eliot MSS.

In the first place I shall have to ask my readers to abandon the notion that the great speech prepared by Eliot in conjunction with Cotton for the debate of the 10th of August was ever really spoken. Mr. Forster was, indeed, perfectly justified in inserting the speech, for not only does it bear throughout the impress of Eliot's mind, but Eliot has inserted it both in the *Negotium* and in his own collection of speeches, and, though he does not use his own name, he says, after reporting May's speech:—

> But the esteem of presidents did remayne with those that knew the true value of antiquitie, whereof a larger collection was in store to direct the resolution in that case, which thus contain'd both reason and authoritie.

Then after giving the speech in the Eliot, not the Cotton form, he goes on:—

> This inflam'd the affection of the House, and pitcht it wholie on the imitation of their fathers. The cleer demonstrations that were made of the likeness of the times, gave them like reasons who had like interests and freedoms. But the Courtiers did not relish it, who at once forsooke both their reason and their eloquence; all their hopes consisting but in praiers, and some light excuses that were fram'd, but noe more justification was once heard of; in which soft waie the Chancelor of the Exchequer did discourse, &c.

This certainly is strong evidence, and in the face of it Mr. Forster was quite justified in treating with disdain the fact that nothing of

this speech is to be found in the Journals. But the Journals do not now stand alone. We have three reports completely independent of one another, but all agreeing in omitting Eliot's speech, and in substituting one spoken by Sir Francis Seymour. If this were all, those who think Eliot's statement enough to counterbalance those of three independent witnesses might still hold that it had not been rebutted. But there is another argument far stronger. Sir Richard Weston, according to all four authorities, followed. He does not even allude to one of the arguments which are supposed to have been pouring out from Eliot. He utters no one word of remonstrance against his tremendous personal attack upon Buckingham. But he applies himself very closely to Seymour's argument, and carefully answers it. I cannot believe that any one who will take the trouble of reading Weston's speech at p. 112 can doubt that Seymour really spoke before him. And if so, where is there any room for Eliot's speech, which is substituted for his in the *Negotium?*

The two forms of the speech which have come down to us are, as Mr. Forster has pointed out, substantially the same, but the one is the speech of an orator, the other of an antiquary. Mr. Forster argues (Sir J. Eliot, i. 414) that in the case of Cotton's speech, "some one finding at the same time," *i.e.* after 1651, when the speech was published by Howell in his *Cottoni Posthuma*, "a manuscript copy of the speech purporting to have been spoken by Eliot, was misled by Howell into a marginall indorsement of it as 'not spoken but intended by Sir John Eliot,' and the preservation of the copy in the Lansdowne MSS., so indorsed, adds to the confusion."

This argument is probably based upon the fact that at the head

of the speech (Lansd. MSS. 491 fol. 138) is written in a different hand from the rest of the paper, "Sir John Eliot's: this speech was not spoken but intended." But any argument drawn from the difference of handwriting falls to the ground, when it is observed that this is merely a copy of a heading which was originally at the top of the page, and the greater part of which has been cut off in process of binding. Enough however remains to show that the heading was originally in the same writing as the body of the document. My own belief is that it was a copy taken from Cotton's notes at the very time by some one who knew that Eliot intended to use them but did not. For, after a few years, who was likely to call to mind a mere intention to deliver a speech, especially as it was known amongst Cotton's friends as his production? In a letter written by Sir Simonds D'Ewes on the 4th of February, 1626 (Ellis, Ser. 1, iii. 214), the writer, speaking of the omission of the King to land on his way to his coronation at Sir R. Cotton's stairs, says:—"I conceived the Duke had prevented that act of grace to be done him, by reason of that piece I shewed you which began 'Soe long as those attended our master now with God,' &c. framed by him. You may remember how I tolde you that I doubted him the author by reason of the style and gravity of it."

Curiously enough the first words here given are not the first words of Cotton's work as it stands in the *Cottoni Posthuma* and the Lansdowne MS. The paper which D'Ewes saw must have omitted the introduction relating to Clerke's censure by the House. On the other hand it was Cotton's not Eliot's work which he saw. For Eliot began with a verbal difference:—"While those remaind in the service of King James."

The most probable explanation is that the speech was prepared

by Cotton; that Cotton shrunk from making use of it, and that Eliot, catching it up, breathed into it the fire of his own magnificent imagination, and converted the result of the antiquary's laborious investigation into words inspired with life.

It is easy enough to find reasons why, after all, Eliot should have preferred silence. In the first burst of his indignation at finding Buckingham had broken away from his compact, nothing would seem too hard to say. But when it came to the point, we should only be inclined to think more highly of Eliot if he shrunk back, and refused to strike the first blow. Yet how are we to account for the introduction of the speech into the *Negotium?* Was it pure imagination, and did he fancy some years after that he had really spoken the words? Or was his imagination founded on some fact? He does not say that the speech was his. He merely gives a speech which is undeniably his, and says that it produced a great effect. Is it not possible that the argument, at least in the form in which it had been drawn up by Cotton, was then circulated in MS. amongst the members? In this case it would have really produced its effect, and might very well have drawn off Eliot's attention from Seymour's speech. It is a pure conjecture, and I give it merely for what is it worth.

Everything that happened afterwards is in agreement with the evidence that the speech was not spoken. Mr. Forster has pointed out that Eliot lived between the Parliaments of 1625 and 1626 in communication with Conway and other courtly personages, and that at one time he received Conway's son as a visitor at Port Eliot; and he argues that there is nothing detrimental to Eliot's character in the fact. But, to my mind, it is not Eliot's conduct but Conway's which has to be accounted for. And to me it is almost incredible

that Conway, being what he was, would have kept up friendly relations with Eliot if he had made a direct attack upon the Duke at Oxford.

Again, it will be remembered, that, in the interval between the Parliaments, Eliot's father-in-law was charged too heavily for the Privy Seal Loan, and that Eliot wrote to state his case. It appears, from the Council Register, that this appeal was promptly responded to by an immediate withdrawal of the overcharge. Was the Privy Council usually accustomed to accede at once to requests made by men whom Buckingham regarded as his calumniators?

The inference I draw from all this is, that Eliot's open breach with Buckingham dates from the Parliament of 1626, and not from the Parliament of 1625. He came to the front of the battle far more slowly than Philips and Seymour. But he did not show himself any the less earnest in the cause for that.

It only remains to point out two further corrections derived from the present publication. It appears that the "old artist," referred to by Eliot, was Sir Henry Marten, and not Sir John Coke; and that Sherland, not Littleton, was the speaker who attracted Eliot's attention in the last day's debate.

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## ERRATA.

Page 7, last line of text, for "MR. SOLLICITER prosequted," read "MR. SOLLICITER, prosequted."

" 11, note[b], line 4 and 5 from bottom, for "Committees" read "Committee."

# COMMONS' DEBATES IN 1625.

[The Parliament was appointed to begin on the 17th day of May, prorogued to the 31st] daye of Maye in the first yeare of Kinge Charles, and held by prorogation upon the 18th of June followinge. 18 June, 1625

A place was made in the Upper House for the Duke of [Chevreuse] the Frenche Ambassador, who with his Ladye and divers other freinds, lords and ladyes, were present to see the solemnity of the first daye. French Embassador present.

His Majestie began[a] with a profession of his owne want of abillitye to speake, but that the business of this meetinge needed it not, beinge began in his father's tyme, when both hee (as an intersessor) was ingaged by us, and wee by a liberall declaracion ingaged ourselves, soe that it would be a dishonor to him and to us not to perfect it, by yeildinge such supply as the greatness of the worke and variety of provision did require; this hee spake not out of diffidence, but to shew his sence of the publick interest, for hee knew our zeale to religion, our machless fidelity and love to our Kinge (the ancient honor of this nation), and that hee for his part would bee as forward to dispose all his meanes to the common good and defence of the realme, as hee doubted not wee would be forward to ayde him.

The Lord Keeper.[b] That the Kinge had left him litle to speake, havinge abundantly declared the substance of all, in shewinge that ingagement which his father left to him, and which was layd Lo. Keeper.

[a] Lords' Journals, iii. 435.

[b] Lords' Journals iii. 438.

June 18. upon them both by the Kingdome in the advice given by the Parliament for breakinge the treatyes for recovery of the Palatinat, and of his highnes' mariage with Spaine. Since that tyme our late Soveraigne had noe other object but the Palatinat, and to make waye to that, supplyes the Low Countryes, raiseth an armye for Mansfeild, prepares (by God's blessinge,) an invinceable navye to scatter the forces of his opposites in the circumference of their owne dominions, which are now united in the Low Cuntreye and Germany. In which preparacions the Kinge that now is is soe ingaged that hee had rather goe to his grave then not to goe on in this designe. In these businesses all the subsidies are spent, and as much more of the revennew, for which his Majestie now desireth a supplye. This is the substance; hee would add only 3 circumstances.

First, for the time, which is the greatest commander of all actions. A supply too late is none. Europe is now stird like the poole of Bethesda by a good Angell for the recovery of the honor and happiness of England, if wee slipp not our opportunity; wherefore wee should bestowe this meetinge upon him and this action, the next upon domesticall business.

Second, for the manner; if wee finde the usuall wayes of contribucion too slacke, not to feare in an occasion of such consequence to advise some other that maye bee more proper.

Third, to regarde as the end of this action the reputation of our sweete Kinge. As Princes sow their actions in the beginninge, soe shall they raese glorye afterward. His Majestie puts his fame, his reputation (which is all hee hath of a Kinge,) upon us, not in desperacion as Cæsar amongst the Romans, *Jacta est alea*, but with the greatest confidence accordinge to his Posye, *Amor civium Regis* [*munimentum*][a] Kinges and subjectes [*relata sunt naturâ*].[b] Assoone as hee shalbe knowen for a valiant Prince, you shalbe esteemed a faithfull people.

[a] "Malusutore" MS. In the Lords' Journals (iii. 436) it stands, *Amor civium regiminis munimentum*. Mead says the legend on some of the coins was to be *Amor civium Regis præsidium*. Court and Times of Charles I. i. 11. The form ultimately adopted was *Amor populi præsidium Regis*. [b] Are relata simul natura, MS.

Hee concluded with an admonition to chuse a Speaker, and to present him the next sittinge daye. June 18.

The Commons withdrewe themselves into their owne House, and make choice of Sargeant Crewe,[a] who had been Speaker the last Parliament. The Speaker chosen.

The Speaker was presented to His Majestie, and accordinge to the usuall formality desired to bee excused, which by his Majesties direction was answered by the Lord Keeper, and the election confirmed. 20 June 1625, presented.

His speech was not longe but effectuall, propounded without any division of partes, but reduced by the Lo. Keeper's answere to 7 poyntes. His speeches.

First, concerninge himselfe, his submission to the Kinges pleasure. Incoragement by God's blessinge upon the last Parliament in the many good lawes then passed, and the speciall furtherance which they received from his Majestie beinge then Prince. The answere.

To which was replyed, that hee spake litle of himselfe, but did much, before hee offered the sacrifice of his lipps which was refuced: but now hee offered his obedience, which beinge accepted was declared to be the better sacrifice. The last Parliament was justly accompted happy. It made a kind of reconciliation betwixt the Kinge and his subjectes. *Foedera infida dissolubilia.* Conscerninge himselfe.

The respectes betwixt a Kinge and his people are bound by such mutuall interest that they cannot longe be severed. There past then more flowers of the Crowne, more Bills of Grace then in Magna Carta; and the parte his Majestie bore in that Paliament maye assure us, that hee will hereafter be to Parliamentes as a soule in the bodye, and cannot never pretend himselfe a stranger to the customes or forgetfull of the wishes and desires of Parliament.

Second, concerninge the Kinge, wherein hee observed five circumstances. [1.] His first action. 2. His Noble discent. 3. His succession. 4. His hopes. 5. His great deliverance. The Kinge.

To which was replyed, that those actions are most sincere which

[a] Thomas Crewe.

June 20. are most naturall. [1.] By beginninge with a Parliament his Majestie did expresse what delight hee shall take in this conference with his people. 2. That Nobillity of Blood was in him more eminent then in any Prince in Christendome. Hee had *Deus in utroque Parente*, beinge derived both by Father and Mother from a longe succession of Kings. 3. His succession had sweetned the losse of his father, which could not have bene done by any but himselfe, nor by himselfe, if hee had beene the sonne of his body alone. 4. The experience wee had of his abilityes and vertues gave us great hopes. 5. And those hopes are confirmed by the great delyveries which hee received in his late jorney, declaringe him to be the childe of Kinge James, a *Noli me*[a] *tangere*, and that God will never leave nor forsake his.

Religion 3. Thirde, conscerninge religion, which hee cald the fundamentall wall, wherby the safty both of Kinge and Kingdome were preserved, the maintenance whereof was left unto him as the last charge of his deare and dyinge father.

The answere consisted in an acknowledgment of the many blessings which the trew religion had brought upon this nation for the space of seventy yeares continuance; and that the Kinges owne zeale was quickned to the defence therof by the last admonition of his father, soe that hee would omitt nothinge in his government wherby our joye might be perpetuall of seeinge Jerusalem to florishe.

Comon law 4. Fourthe, touchinge the Common lawe, which was comended as affordinge the fittest principles of government both for the Kinge and subjecte.

In the answere it was acknowledged that by a longe continuance of tyme the Common lawe was[b] fitted to the temper of this nation, and that his Majestie would observe it as the most proper rule of government. But withall the Studentes of the lawes were admonisht to bend their studyes to the ancient maximes, and not to rest upon new lawes or statutes framed upon speciall occasion.

[a] *mee*, MS. [b] "as," MS.

They should fynd the ancient grounds of the lawe fownded in reason, proceedinge from God himselfe, the later issuinge only from the invention of men: in the former tymes alwayes stronge premisses, thoughe sometimes weake conclusions: in these later weake premisses, but peremptory conclusions. June 20.

Fifthe, touchinge the Palatinat: the distressed estate whereof was remembred with greife, in that it had bene heretofore a sanctuarye for those of our nation persecuted for religion: was the inheritance of a considerate[a] Prince of our owne religion, soe neare allyed to us, of which hee was deprived in tyme of peace, when our shipps[b] were as a wall about their cuntrye, by whose forces it was effected; and if in this case wee withhold our succor, wee shalbee lyeable to that curse of Egipt and Meros for not helpinge the Lorde. Palatinat, 5.

The answere: Now his Majestie fownde himselfe the head of this bodye, havinge bothe the same sympathy, hee will shew himselfe to be nether Meros nor Egipt; hee hath exprest sufficiently that hee desires not to live but in glorye, and this you shall see performed by the supplyes which from tyme to tyme hee will provide for this enterprise.

Sixte, for the restraint of Priests and Jesuites by proclamacion. Popery, 6.

It was answered, His Majestie did absolutly grante the matter, but desired to be trusted with the waye; hee was *Custos utriusque tabulæ*, and in a fitt time would ether graunt the manner or improve it to better, and did remember what his father sayd, that hee would bee as carefull of this as hee prayed God to be mercifull to him.

Seventhe, the united and accustomed petitions of the Commons for freedom from arrests, free speeches, accesse upon occasions, acceptance of their proceedings. And on perticuler suite for himselfe that all his defectes might be bounde with a vaile of gracious construction. Priviledge, 7.

In the repetition my Lo. Keeper cald the 4 petitions the fower corner stones of the House of Commons, and answered that his

[a] ? Confederate.

[b] Referring to Mansell's expedition to Algiers in 1620.

June 20. Majestie did graunt them all without any other limitacion, but of our modestye and wisdome, not doubtinge but if anye abuse were committed wee would bee more readye to punish then hee should bee to take exeption.

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## 21 Junii 1625.

June 21. The first Bill was read for preventinge abuses upon the Saboath.

Saboath. Sir Ed[ward] Giles. Moved for a comunion.

Communion. Sir M[iles] Fleetwood.[a] To petition the Kinge for a publicke fast, and by our owne order to injoyne a fast to our owne members; for which hee gave these reasons: 1. in thanksgivinge for God's preservacion of the Kinge: 2. for releife of the distressed Churches beyondes sea: 3. for a blessinge upon the preparacion of our owne (which he cald invinceable) navye: 4. for appeasinge God's anger shewed in the great mortallytie now begann.

The Comunion was ordered by question.[b] Mr. Hacket appoynted for Preacher.

Private for the house. The fast of our owne house ordered to bee upon Satterdaye, beinge the daye preceedinge the Comunion. 3 preachers appoynted: Dr. Preston, Dr. Westfield, Mr. Shute.

Some question was made of the place. It was propownded by Sir J. Jephson, seconded by Mr. D. Norton, to be in our owne house; and thus refuced by Sir B. Rudyerd, I beseech you not to refuce the Church, remember it is God's house, lest wee make this a coventicle which should be a councell. Soe it was agreed to be kept in St. Margaret's, Westminster.

Publick fast. A Committee appointed to drawe the petition for a publick fast.

Double returnes. By order the Speaker was authorised to make warrantes for new elections in cases of double returnes.

Priviledge. A Committee for priviledge was named, and Sir John Savile and Sir James Perotes Petitions to have precedence.

[a] Receiver of the Court of Wards.

[b] On Sunday next. C. J. i. 799.

A complainte was exhibited on the behalfe of the La. Coppin and her sonne against Sir William Cope, recitinge divers frauds and delayes in some suites betwixt them for debt, and that hee beinge in prison upon an execution, but abroad by Habeas Corpus, was elected in Bambary[a] above sixe monthes after his imprisonment. June 21. Sir William Cope. Election.

Divers lawyers spake against the validity of his election and the dangerous consequence if it should be admitted, wherupon it was especiallye referred to a Comittee. On[b] in execution.

Mr. Mallery. To petition the Kinge that wee may be adjorned till Michal[mas]. This motion Sir William Stroude thought to divert by another for a Committee for petitions, and that on man might not be imployed in the chayre for that service but divers; but the former was seconded by Sir Robert Phillipps. That it was noe tyme, consideringe the sicknesse, to take upon us such businesses. A supplye was propounded; but wee ought rather to consider how wee may supplye the comonwealth. In the first place to looke to the lawe of God. Ther was matter of feare in every part of the state. Before wee thinke upon givinge nowe wee oughte likewise to take an accompt of that which was last given, and because our tyme cannot possiblye extend to all, wee should rather desire his Majestie to be referd to some other tyme.[c]

The same opinion was confirmed by Mr. Solliciter prosequted,[d]

[a] Banbury.

[b] *i.e.* One in execution.

[c] "Sir Ro. Phillippes secondeth the motion:— Yet considerable whether this time fit to receive petitions against Courts of Justice, &c. For Mr. Mallory his motion;—rare at the beginning of a Parliament to petition to be put off; but consider now of the danger of the plague with other circumstances, and it will be very considerable whether not fit to petition the King to defer the Parliament to some other time or place." C. J. i. 800. These two reports are all that we have, both Eliot's MS. and A. omitting the speech entirely.

The two accounts would be quite reconcileable if we suppose that Philips began in a somewhat hesitating tone, and then, speaking impromptu, as we know, from Eliot's narrative, his manner was, broke out into a stronger expression of opinion. It is evident that in the text only the latter part of the speech is given, which the official note-taker of the journals, perhaps frightened at the boldness of the language, may have preferred to cut short.

[d] Sir Robert Heath. There must be a mistake either in the name of the speaker, or in the word "confirmed."

June 21. by Sir Thos. Wentworth that a Committee might bee named to draw a petition for that purpose, somewhat moderated by Mr. Alphard[a] and Sir George More,[b] that the Comittee should consider of it as a matter propounded not concluded; but directly oposed by Mr. Solicitor as different from our former order for a fast. There is danger of all sides, but David in a streight choose rather to fall into God's hands then into the hands of men. This is our case. If wee advise not maturely at this time for the publicke dcfence wee are like to fall into the hands of men. All Christendome are upon the eyes of this action, and hearin doe most especiallye observe the affection of his Majesties subjectes, which must be his strength. If wee parte nowe without doeinge any thinge it will weaken his reputacion more then can be restored by the graunte of many subsidies. Hee concluded, because our tyme could not be longe, wee should name a Committee to consider what was most necessarye for the present, and to bend our selves to that.

Mr. Wansford (seeinge the house uncapable of the true way) willing to get as nere it as might bee, altered the motion a litle, from a petition for an adjornment to a new tyme, to a petition for removall to another place; but this, which included the former, was oposed by Sir Francis Nethersoll and Mr. Mallet, and the whole matter supprest by order.[c]

[a] Edward Alford sat again for Colchester in this Parliament, though his name is omitted in Willis's Notitia Parliamentaria. There was also a William Alford member for Beverley; but as Edward Alford was made Sheriff of Sussex in the following winter to exclude him from the next Parliament, and as one of the speeches at Oxford refers distinctly to knowledge of the Parliament of 1624 in which William Alford did not sit, we may safely ascribe all the speeches given in the text to the more noted bearer of the name. If the other had spoken, the note-taker would doubtless have added some distinguishing epithet.

According to the journals, "Mr. Alford moveth for a Committee of the whole House to consider of the course fit to be holden, both for King and Kingdom."

[b] "Sir G. More moveth the former motions may be considered of till to-morrow, and then be further debated." C. J. i. 800.

[c] In a report (Harl. MSS. 161, fol. 59) which extends only to this day's proceedings, the important debate on Mallory's motion is given thus: "Mr. Mallorie mooved that the house would petition the King to have the Parliament adjourned presentlie,

## JUNE 22, 1625.

The bill of the Saboath the second tyme read and comitted upon an exeption by MR. DUCK that the lawe extended not to any provision for the levyinge of penaltyes [for offences] comitted by cuntry men within townes corporate, unlesse they had goods in the same towne. June 22. Saboath.

A motion was made for a Comittee of Greivances;[a] but the house thought it unfitt in respect of the short and dangerous tyme. Greivances suspended.

SIR B. RUDYERD. Mr. Speaker, To saye this is the first Parliament of the Kinge is noe great matter, but that the first Parliament of the Kinge should have a temperate proceedinge and prosperous successe is a matter of extraordinarye consideracion and consequence; for it is commonly seene that the same influence which governes in the begininge of an action infuceth it self thorough out and continues to the end, as in this particuler of Parliamentes wee have had too deare experience. Importance of success of this Parliament.

Certainly (Mr. Speaker) the disagreement betwixt the Kinge (who is with God) and his people begunn and continued by mutuall distasts in Parliament have been the cause almost of all that wee can call amisse in this state. It was the Kinge who is

by reason of the pestilence still increasing. But this motion was suddenlie dashed for manye reasons. 1. The state of Christendome depended somewhat upon that assemblie, and if the opportunitie were now lost perhapps it would never againe bee regained. 2. It would bee inconvenient that manye members of that howse comming from the remotest partes of the kingdome, and for the most part all of them having laien in towne since the first summons, moore or lesse time, for this meeting, should presentlie upon it dissolve to noe purpose without doing any thing. 3. This overthrew all this morning's worke; for then all the matters alreadie agitated of the publike and private fast weere like to come to noe effect. 4. The King's present necessities. Sir Robert Heath added that this sicknes at home was the hande of God; but to breake offe without anye thing done weere to give advantage to the enemie abroad, and the malecontent and evill hearted at home. Hee had rather therfore, in the wordes of David, to fall into the handes of God then men."

[a] By Sir Thomas Hoby, on which Alford advised "to have a Committee to consider of what course we shall take in all business this Parliament" (C. J. i. 800), persisting, in fact, in his motion of the day before.

June 22. nowe, who first gave the happy torne in the laste, wherin I maye truellye saye there descended more grace from the Crowne to the subject then in any Parliament some hundred of yeares before, and I may rehearse, though not object, that wee also did our dutyes. If his Majestie, when hee was Prince and had but a mediatinge interest, did us soe many good offices, so many gracious favours, what may wee expect now that hee is Kinge and hath absolute power in his owne hands? Wee maye well trust him whome wee have soe well tryed, espeacially seeing hee gives us dayly more argumentes of his goodnes, of his wisdome; how publiklye and frequently hee advowes and justifyes his owne the trew religion with discountenance to the false; how effectually this devotion of his workes upon his life. In soe much as I may strictly saye there can hardlye be found a privat man of his yeares soe free from all ill, which as it is more rare and dificult in the person of a King, soe it is more exemplare and extensive in the operation; and noe doubt, beinge a blessinge, will call downe more blessings from Heaven upon this kingdome for his sake.

For his wisdome, wee see that in his particuler actions he is naturally regular and orderly, which howsomever some abstruce spirits maye accompt but a formality, yet wise men knowe how much it conduceth to wealth, to greatnesse, to government; order beinge indeed the very soule of outward thinges. Besydes his breedinge hath given him an advantage above all the Kinges in Christendome; for he hath bene abroad, and hath treated with a wise and subtill nation in a busines soe great that himselfe was the subject of it; which has not only opened and enlarged, but quickned and sharpned his naturall abilityes, and made him understand his owne kingdome the better. For to know a mans owne Cuntrye alone is but a solitary kind of knowledge in respect of knowinge it by comparisson with others. But that which is of most use and applycation to us is, that hee hath bene bred in Parliamentes, which hath made him not only to knowe, but to favor the wayes of his owne subjectes, whereof it becomes us alwayes to have a gratefull remembrance.

Upon these fowndacions (Mr. Speaker) I will humbly move this Honorable House in that wherein I hope wee all come hither prepared and moved in ourselves, that is to carry our selves in this first session with sweetnes, with duty, with confidence in and towardes his Majestie; for which noe doubt wee shall respectively receive such grace, such favor, such satisfaction as the dangerousnes of this tyme and the shortness of it can possiblye allowe: towardes the happy effectinge whereof I doe further move that wee may fall upon such thinges only as are necessary, cleare, and of dispache, and that those businesses which haye in them either perplexity, difficulty or asperity, if the House be not pleased altogether to omit them, yet that they maye bee but only toucht by waye of claime or greivance and soe remitted to the next session, when wee shall have fitter opertunitye and better leasure to debate and settle them. June 22.

Last of all to take of the least scruple of prejudice which misinterpretation may cast upon mee, I doe solemnly protest that, as heretofore I did never speake with Kinge, Prince, or Favorite of Parliament business;[a] soe, with our present Kinge I never had the honor to speake forty words of any purpose whatsoever. In soe much as what I have said I have spoken it out of the sincerity of myne owne hart, without any other end but the good of the Commonwealth, whereof this Assembly is the abridgment.

The rest of that forenoone was spent in consideringe what to doe rather then in doeinge any thinge.[b]

Sir Ed. Cooke gave 3 reasons against makinge Committees Suspencion of Comittees for greevances and petitions.

[a] Rudyerd's connection was rather with Pembroke. He now sat for Portsmouth, of the castle of which Pembroke was captain, and he may very likely have received instructions from him both now and in the preceding Parliament.

[b] In the Journals, Rudyerd is followed by Sir J. Eliot. "No particular or private business to be entertained. A special Committee to regulate the business of this House." Mr. Forster (Sir J. Eliot, i. 245) introduces Pym as unexpectedly asking, after Rudyerd sat down, "what, in the event of the Committee for Grievances being dispensed with for the present, they proposed to do as to the Committee for Religion. * * * There was no getting rid of either Committees after that." For Pym's intervention I have been unable to find any authority in Eliot's MS. or elsewhere, and it is certain that the Committee for Grievances was not appointed.

June 22. for greivances and Courts of Justice: 1. the danger of infection by drawinge the meaner sort of people about us, which was the judiciall reason of the adjornment of the terme; 2. ther have bene no greivances since the Kinge came to the Crowne; 3. wee have yet received no answere of our last greivances: therfore wee are first to beginn to petition his Majestie for that; and herafter let us bee carefull to present our greivances in such tyme that wee may have an answere before the breakinge up of the Parliament.

Others were unwillinge to departe from the customes of the House by relinquishinge their Committees; but SIR G. MORE affirmed that this is a custom of a late beginninge, and that in Q. Eliz. tyme noe such Committees were appoynted but upon particuler occasions.

Papists. SIR FR[ANCIS] SEYMOUR and MR. DELBRIDGE [a] for a bold but mornfull Petition concerninge the tolleration of Papistes, by which both their nomber and insolency was increast.

SIR RO[BERT] PHILLIPPS added the consideracion of the new impositions and some fit provisoes in this respect in the Act of Tunnage and Poundage, and how the revenew of the Crowne might be supplyed, beinge soe wasted as it was unable to supporte publicke charges. Not to neglect the accompt of the last subsidyes, in provision for which ther was soe much tyme spent the last Parliament.[b]

[a] Mr. Delbridge is not mentioned in the Journals till afterwards, where he is said to have seconded Philips's motion. Bulstrode, the member for Buckinghamshire, has there the part here attributed to Delbridge. Wentworth then follows for a Committee for Grievances, and Mallet wishes the laws executed against the priests, but sees no cause to petition for it. Sir G. More's speech, which comes next, is not quite clear. Seymour's speech is given more fully in the Journals. "1. Our duty to God; 2ly King and Kingdom, which cannot be severed no more than head and body. To petition the King; the lawes against Jesuits, priests, &c. may be put in execution; and to restrain the resort to Ambassadors' houses and other places to mass. That fit to supply the King; to have a Committee to consider of religion, and of this supply."

[b] In the Journals, Philips simply says: "Not yet timely for a Committee for religion and supply to think of the propositions made till to-morrow; then to have a Committee of the whole House, to debate and resolve of a fitting course to be holden in our consultations and resolutions, for religion and for the King and Kingdom." The discrepancy between these two reports is the same as that between the two

Sir Ed[ward] Cooke, for a booke of Rates to be established by Parliament accordinge to a precedent 17 Ed. 3.[a] June 22.

It fell into question whither wee should joyne with the Lords in our petition for a publicke fast. Joyninge with the Lords in the petition for a fast.

Sir Ed[ward] Cooke voucht a precedent in Ed. the 3d tyme wherin the like petition was by the Commons alone, but divers reasons were given for joyninge: that it would be more to God's honor, more sutable to the occasion, which was a feare of a publick calamity; soe, upon the question and devidinge of the House, it was ordred that wee should goe to the Lords, and for that purpose a message was appoynted to-morrow morninge.

Sir G[eorge] More reported from the Committee of Priveledges, first recitinge Sir. Jo. Savill's petition subscribt by 1450 persons charginge Sir R. Cholmly, Sherriffe of Yorkeshire, to have returnd Sir Tho. Wentworth and Sir Tho. Farrfax notwithstandinge hee had double soe many voices as they, without polinge, though the pole were demanded in dew tyme; and that was proved at the Committee by seven witnesses.

Sir Tho[mas] Wentworth not confessinge the demand of the pole desired tyme to send for his witnesses, and to be heard by his Councell. The Committees had agreed upon a fortnightes tyme.

Against that of the Committees was objected that ther needed no tyme, nor further examination of witnesses, where the affirmative was soe well proved; but it beinge informed that the Sherriffe was in Towne, it was ordered that they should be heard to-morrow, and therupon the house to proceede as they should see cause.[b]

reports of his speech of the day before. I would suggest the same explanation. See p 7, note [c].

[a] "Not now meddling with other impositions," according to the Journals, making it highly probable that Philips did say that which was omitted by the Journals. "A Committee of the whole House was the next morning to consider of all the aforesaid propositions and of whatsoever else shall be offered." Solicitor-General Heath subsequently announced that the King would answer the grievances of the last Parliament whenever the House pleased. C. J. i. 801.

[b] From this point there is a blank in the Journals till the 4th of July.

## June 23, 1625.

June 23. Saboath.

Upon the Report from the Committee for the Bill of the Saboath the exception was thought materiall, yet they did not think good to alter the Bill for 3 reasons.

1. Because it past both Houses the last Parliament in this manner, and the Kinge beinge then a Member of the Upper House gave his voice to it, and therfore is not like to denye his assent now, unless it receive alteration.

2. It is a probationer and may bee mended at the next meetinge.

3. The Justices wilbe more carefull to apprehend the offendors before they goe out of the libertyes.

An Act for explanation of a Branche of 3 Jaco. conscerninge the discoveringe and repressinge of Popish recusantes was twice read together, and therupon was moved by Sir H. Whithead that the clause conscerninge licenses to travell from the place of their confinment maye bee soe explaned, that it bee sufficiently provided that the state maye alwayes know where to find the recusantes. Some other small alterations were desired, and the Bill committed.

Sir Wm. Cope.

Sir William Cope's case was reported. The last Parliament was prorogud, and hee beinge a Member of the same, and after the session ended, and the tyme of priviledges expired, was arrested upon an exequution, and soe brought to the Fleete, went abroade by Habeas Corpus, and was chosen againe this Parliament.

Arest betwixt two Sessions.

The Questions were two: 1. Whether he ought to have priviledge of the last Parliament? 2. if not of the last, whither of this? The opinion of the Committee was, that noe priviledge at all did belonge unto him, but that a warrant must bee drew for a new election. The reasons of which are theise: 1. The priviledge is in respect of the service, but in the tyme of prorogation there is noe service, and soe noe priviledge; but hee remaind still a member, and if that House had met againe they might have cald for him; but that Parliament beinge dissolved by the Kinge's death the priviledge is likewise taken awaye. The cases voucht were, 36 H. 8, Triwin-

woode's Case; 31 H. 6., the Duke of Yorkes Case, wherin the Speaker was taken in exequution; 14 H. 4., the Kinge dyed dureinge the Parliament, the Knights[a] sued for wages: resolved they should have none. June 23.

2. A man in exequution is not eligible, for though he come out by *Habeas Corpus*, the law intends him to bee a prisoner, and not able to serve, and therefore, although he should have payd the debt and bene discharged before the appearance, yet must ther bee a new election; for that which was voyde att first, cannot bee made good by any post fact right. Soe priviledge and elegibility are convertible; whatsoever may be chosen ought to have priviledge; the law gives noe priviledge where the creditor is deprived of all further remedye, as in this case, which is not provided for by the Stat. 1. Jacob. On in exequution not eligible.

The Committees of both Houses met in a conference concerninge the petition for a faste. The L. Archbishop in the name of that House approved our good intention and the motives, beinge only sorry they had not begunn. Declared the use and necessitye of fastes out of Joell, in which the authoritye of the Kinge was necessarye, and the [advice of the] Priests,[b] not the Levites, but only the sonnes of Aaron. Fasts.

The Lordes the L. Steward and the L. Conwaye to know the Kinges pleasure.

It was apprehended by some Members of the House, as well by the Archbishopp's speech as by other private information, that exception was taken by his Majestie that wee should for our owne order injoyne a fast for ourselves. To avoyde a contestation with his Majestie, or disavowinge of our owne power, it was moved that the daye of our fast should bee put off till Sonday sennight, for which was aledged only the expectation wee had, that the Lords would determin the like fast for themselves, and soe both Houses might performe it upon on daye with more solemnity.

The Order respited till to-morrow after noone should heare the Kinges answere.

[a] Knights, A. Knight in MS.

[b] So A. "the Priests" in MS.

June 23. Assignment of debtes.

To the Bill of assignment of debtes CH[ANCELLOR] of the DUCHY.[a] That wee should first seeke to prevent the shiftes of debters before wee shut up the wayes which, by reason of these shifts, were invented for recovery of debtes.

*Eodem die* at the Great Committee concerninge religion and supplye.

Religion and Supplye.

The matter of religion and the question for supplye stood committed to the whole House, wherin religion was to have the first place.

Kinges servant in the chayre.

The Solicitor[b] beinge named to the chayre, exeption was taken by MR. ALPHARD because hee was sworne to the Kinge and of his fee. The CHANC[ELLOR] of the DUCHY dislikt that exception, as tendinge to division by settinge markes of distrust upon the King's servantes.

SIR G. MORE. Popham beinge Sollicitor, and Puckeringe beinge the Kings Sargeant, were chosen Speakers.

Chayre.

The House remaininge distracted betwixt him and Sir E. Sandes, it was movd that the Speaker might goe to the chayre and determine it by question in the House.

SIR FR[ANCIS] POPHAM: It is against precedent that hee that sits in the chayre at a Committee should be named by the House; whomsoever wee imploye, wee are too many witnesses to suffer wronge. So they agreed upon Mr. Sollicitor.

There were divers propositions but nothinge concluded, wherefore they shalbe entred together with the other proceedings.

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25 JUNII, 1625.

June 25.

Laps.

An Act to prevent laps in the case of qualifications. This Bill was very much commended by Sir Ed. Cooke.

Secret Offices.

An Act against Secret Offices.

[a] Sir HumphreyMay.

[b] Sir Robert Heath.

Mr. Shervill. The Bill not like to prevent the mischeiffes; June 25.
heare is noe new provision which is not in practice already; warninge by a privye seal, proclamation and entry att the County Courte; only the Bill gives a fee wher ther was none before, and [by] these orders the greivance is six tymes worse increased. The ancient course was to give notice att the lande 20 dayes before. If wee injoyne the like by a short Bill it will doe much more good, and it maye be found and certifyed in the office that such warninge was given.

Sir Ed[ward] Cooke. By the course of the Courte of Wards after an office found no travers is allowed but by Bill, which is a restraint of the Common lawe and was on of the offences of Empson and Dudlye.

If a better Bill shalbe preferd, wee may make our choice of both; in the meane tyme to goe on with this.

Committed.

Mr. Ch[ancellor] of the Exchеq[uer][a] reported the Kinges Publick fast.
answere in the Bancketinge House at Whitehall, to the petition delivered by the Committees of both Houses concerninge a faste. A shorte introduction in the deliverye therof was made by my Lo. President[b] (for the Arch Bishopp of Canterbury, who was appointed to that service, was sick). That accordinge to the golden rule of his father, *A Jove principium*, his humble subjects the Lords and Commons presented his Majestie with that petition.

The Petition was read by my Lo. Keeper.[c]

The Kinge told us that hee liked our method well to begin with devotion, and hoped wee would proceede the better and with more speed after so good a beginninge. Hee approved our petition, both for the matter and the forme, and did fully grant our desires; and for the tyme and the manner would very speedely advise with the Bishopps, and put it into execution.

[a] Sir Richard Weston.
[b] Viscount Mandeville.
[c] John Williams, Bishop of Lincoln.

June 25. Privat faste.

After some smale debate it was now ordered that both the faste and communion should be put off till Sonday sennight.

Risinge of the House.

The ancient custome of the House was reviv'd by an order that the House risinge, the Speaker should first goe out, and every man to keepe his place till hee were past, under the penalty of xij*d.*

Eodem die post meridiem.

Saboath.

The Bill of the Saboath was quest[ioned], and the House torned into the Great Committee.

The Petitions[a] in former Parliamentes 18 and 21, and the Prince's Protestation[b] the last Parliament, were now read.

Divers matters were propounded and debated and then a Sub-Committee appoynted.

That Sub-Committee sate the 25. of June and then adjourned to the 27th, wher they appoynted Sir Ed. Sandes and Mr. P[ym][c] to reduce all that had bene propounded, to certayne heds, distinguishinge the matters fit for our petition to his Majestie from other poyntes which could not be redrest but by Bill.

Articles[d] concerninge Religion conceived by the Sub-Committee as fitt heds wheron to frame a Petition to be presented to his Majestie, or otherwise to bee proceeded upon by Bill, and now offered to the consideration of the Grannd Committee.

Increase of Papists.

First, to make a trew representation to his Majestie of the late great increase of Papists in this realme, and of the dangerous consequence therof, unless tymely remedy be provided.

The danger of it both in respect of their aymes

The danger is first in their ends, and in the restlesness of their spirit, for the attaininge of them; they ayminge not only at the utter exterpation of our religion, but also at the possessinge of

[a] The Petitions on Religion.

[b] "That whensoever it should please God to bestow upon him any lady that were Popish, she should have no further liberty but for her own family, and no advantage to the recusants at home." Commons' Journals, i. 756.

[c] It can hardly be anyone else.

[d] Differing from those ultimately adopted. The chief alterations are pointed out in the notes.

themselves of the whole power of the State, and such is the restlessnes of their spirit, that if they gayne but a connivencye, they will presse for a tolleration, then strive for an equallitye, and lastly aspire to such a superioritye as may worke the extermination both of us and our religion: in all which they will thincke they doe God good service, such beinge the doctrine both of their teachers and leaders. June 25.

The danger of effectinge wherof is much increased, by their knowne strict dependancy upon forrayne Princes, such as noe way affect the good of his Majestie and this State, and by openinge a way of popularity to the ambition of any who shall adventure to make himselfe hed of soe great a partye. and of the meanes of compassinge it.

The causes of the great and dangerous increase wee conceive to bee many, wherof wee will touch only the principall. The causes of that increase.

1. The late suspencion of the exequution of the lawes against the Jesuites, Semenary Preistes, and Popish Recusantes; and whilest they were in some sorte exequuted the manifold abuses of Officers to the defraudinge of his Majestie and protectinge and incoraginge the ill affected subjectes. Defect in the exequution of lawes.

2. The interposinge of forraigne Princes by their Ambassadors and Agents in favor of them, wherto his Majestie hath already given a gracious promise not to harken to the prejudice of our religion, or to the slakinge of the dewe exequution of the lawes against them, which promise his Majesties subiectes doe with much comfort, joye, and thankfulnesse remember, and theron with great confidence and assurance doe relye.[a] Mediacion of forraine Princes.

3. Their great concourse to this Cittye, and their frequent conventicles and conferences heare. Their open and usuall resort also to the houses and chappells of forrayne Ambassadors. Resort to London and Ambassadors houses.

4. The education of their children in seminaryes and houses of their religion in forrayne partes, the nomber of which seminaryes have bene greatly multiplyed in this later tyme, whence hath issued Education in forrayne seminaryes.

[a] This reference to the King's promise given in 1624, was omitted afterwards.

June 25. the great swarme of Priests and Jesuits, seducers of his Majesties subjectes, dispersed over all partes of this Kingdome.

Popish and sedetious bookes. 5. The licentious printinge and dispercinge of Popish and seditious bookes by the rules of their religion, and thereby kept in a perpetuall ignorance of the truthe.

Success of the Popish partye beyond the seas. 6. The distressed estate of the professers of our religion in forrayne partes. The unfortunate accedentes to the Princes nearest in blood to his Majestie, caused by the stronge confederacye of some Princes of the Romane religion bendinge their councells and power to the advanncinge their owne and suppressinge our religion.[a]

Remedyes for the evill. The remedyes of this contageous and dangerous desease wee conceive to bee of two kindes, the first to consist in strentheninge our owne religion, the seconde to the weakinge and abatinge of theirs.

1. In the first parte doth first offer it selfe to serious consideration the well educatinge of the youth of this realme; and for as much as by many particuler complaintes it doth appeare that sondrye Popish Schoolmasters dissemblinge their religion have craftely crept in and obtained the places of teachinge in divers cuntreyes, and therby infected and perverted their schollers, and soe fitted them to be transported to the Popish seminaryes beyond the seas; it is therfore desired to petition his Majestie that provision be made for greater care in the choice and admittinge of schoolmasters, and that they be injoyned to catechise and instruct their schollers in the groundes and principles of trew religion, and that the ordinarye make diligent inquiry therof, and proceede to the removinge of such as shalbe faultye or justly suspected.

Care in the election of schoolmasters.

Dicipline of the Universityes. 2. It is also to be petitioned that his Majestie be pleased to take into his Princelye care the restoringe of the ancient dicipline of the two Universityes, beinge the famous nurseryes of good literature and vertue. And for asmuch as Dr. Anian, President of Corpus Xpi Colledge in Oxforde, after three dayes publike hearinge at a Committee in the last Session of Parliament, was found to be a man

[a] Altogether omitted afterwards.

criminous and unworthy of that place, it is desired hee may bee proceeded against in a course of justice.[a] June 25.

3. To opose against the multitude of Preists, aboundinge in this realme, that his Majestie be petitioned out of his Princelye wisdome to advise the Bishopps to restore such learned and painefull Ministers to the libertye of preachinge the word of God and catechisinge of children as have bene formerly silenced, provided that they demesne themselves peaceably and orderly, without impugninge the government of the Church or the eclesiasticall rites and cerimonyes by law establisht.[b] Favour to deprived ministers.

4. For asmuch as non residencye, pluralytyes and comendams are great hinderances to the instructinge of the people in the trew knowledge and service of God, and consequently doe give waye to the entrance of false religion, beinge persones which in all ages have bene complained of; and for asmuch as the qualifications by law permitted have bene of late yeares greatly increased by the increase of the Nobilitye, that therfore a Bill be prepared against the next Session for the moderatinge and regulatinge therof, seeinge the same cannot be proceeded in without conference with the Lords who are interested therin, which the shortness of this Session will not permit;[c] and that his Majestie be thanked for diminishinge the nomber of his Chaplaines, nothinge doubtinge of his Princelye care for the well bestowinge of his owne benifices both to the comfort of his people, and for the incoragement of the Universityes, beinge full of grave and able ministers unfurnished of livings. Restraint of non residencyes pluralityes and Commendams.

5. To the end that learned ministers able to instruct the people may be planted over all the realme in the several Parishes therof, Provision for increase of maintenance.

[a] The charge against Dr. Anyan was subsequently omitted, doubtless as being included in the petition of 1624, to which an answer was still expected.

[b] This subsequently became, "to advise the Bishops, by fatherly treatment and tender usage, to reduce to the peaceable and orderly service of the Church such able ministers as have been formerly silenced, that there may be a profitable use of their ministry in these needful and dangerous times."

[c] The clause about the Bill and the House of Lords was afterwards omitted.

June 25. which cannot bee without raysinge the livings to a convenient proportion, it is desired that the House be pleased to take the same into speciall consideracion, and (if they think fit) to pray a conferrence with the Lords for the better effectinge therof, and that a Bill be drawen to enable everye man that is owner of an impropriation by deed enrolled to make the same presentative, or to charge it with an annuitye for the mayntenance of the minister, and that the Bill against simony bee speedely proceeded[a] with.[b]

Informacion of parishes ill provided for. 6. The House to be moved to take order that informacion be brought against the next Session of all such churches in everye sheere wher their is no usuall preachinge, as also of all such benefices or stipendes of ministers as are under the valew of 50*l.* *per ann*[*um*].

Now to come to the second kind of remedyes addressed to the weakenninge and abateinge of the Popish religion in this realme.

No recusant to have a private schoolmaster. It is first desired, that no recusant or person popishly affected be admitted to have any scholemaster in his private familye, to the end his children maye have the publike and lawfull education of this realme, and to be proceeded in by Bill.[c]

Prevention of forraine education. 2. That a Bill be preferred to the House as well to prevent the transportinge of English children to the seminaryes beyond the seas, as also for recallinge them home which are there already placed, and for the severe punishment of the maintayners of those seminaryes, or of the schollers there; and that his Majestie be also petitioned for his Princelye care therin, consideringe that, besides the seducinge of his subjects, great summs of money are yearly expended upon them, to the impoverishinge of the Kingdome.

Restraint from Court and the Queenes service. 3. To petition his Majestie that no Popish Recusant be permitted to come within his courte; unlesse his Majestie be pleased to call him upon speciall occasion agreeable to the statute, 3 Jac. ca. 5. And accordinglye that it be more humblye prayed of his Majestie,

[a] proceedeth. MS.

[b] This and the next section were afterwards omitted.

[c] This section was omitted.

that none of his subjectes not professinge the trew religion, by law established, be admitted into the service of his most Royall Consorte the Queene, for the preventinge of many apparent mischeifes both to his Majestie and the State, which by the contrarye must needs insue. June 25.

4. That his Majestie be petitioned, by some such course as he shall thinck fit, to give present order that all the lawes now standinge in force against Jesuites, seminarye Preists, and all others havinge taken orders by authority derived from the Sea of Rome, be put in due exequution; and to the intent they may not pretend to be surprised, that a speedye and certyne daye be prefixed by his Majesties proclamation for ther departure out of this realme and all other his dominions, and not to returne upon the severest penaltyes now in force against them; and that all his Majesties subjects may therby also be admonished not to receive, entertayne, comforte or conceale any of them, upon the penaltyes and forfitures which maye be lawfully inflicted; and that all such Preistes and Jesuites as shalbe imprisoned be kept closse prisoners, to avoide the contagion of their corrupt religion, and that noe man who shalbe justly suspected of Poperye be suffered to be keeper of any his Majesties prisons. Exequution of lawes against Preists, &c. but first to be banisht by proclamacion.

5. That his Majestie be likewise petitioned to take such order as to his Princelye wisdome shall seeme expedient, that noe stranger bishoppe, nor any other, by authority derived from the Sea of Rome conferr ecclesiasticall orders, or exercise any ecclesiasticall function whatsoever towardes or upon any of his Majesties naturall subjectes, within any of his dominions. Restraint of all forraine jurisdiction.

6. That petition be made to his Majestie, that hee be pleased streightly to commande all judges and ministers of justice, both ecclesiasticall and temporall, to see the lawes of this realme against Popish Recusantes to be duly exequuted, and namely, that the censure of excominication be pronounced against them, and they be not absolved but upon publike satisfaction by their conformitye; and[a] that generall Commission be graunted to choice and able Ecclesiasticall censures and penall lawes to be inflicted,

[a] The remainder of this section was afterwards omitted.

June 25.

by the care of severall Commissioners, and precincts of particuler Commissioners.

persons to oversee the exequution of those lawes, and to prevent the fraudes now ordinaryly used to defeat his Majestie of the penaltyes and to save the offenders from punisshment.[a] And that the particuler Commissions into the severall Countyes for the exequution of those lawes may extend to all Countyes of Cittyes and Townes and other libertyes within the precinctes of the same shires.

The avoiding graunts of Recusants lands.

7. That his Majestie be likwise petitioned, that his learned Counsell may receive order and comandement to looke into all former grauntes of recusantes' landes, and to avoide them if by lawe they can. And the Bill in the House to that effect to be proceeded with.[b]

To put them out of Commissions.

8. That his Majestie be petitioned to remove all such persons from place of authoritye and government as are popishly affected.

To disarme them.

9. The like petition, that present order may be taken for disarminge of all Popish recusantes legally convicted or justly suspected, accordinge to the lawes in that behalfe and the orders taken by his late Majesties Privye Councell, upon reason of State.

Confyne them to the countye.

10. That his Majestie be also pleased, in regarde of the great resort of recusants in and about London, to commande that forthwith, upon payne of his indignation and severe exequution of the lawes, they retyre themselves to their severall countyes, there to remayne confynde within fyve miles of their dwelling places.

Prohibite them from Courte and Ambassadors' masses.

11. That it may likewise please his Majestie streightly to commande and take order that none of his naturall borne subjectes repayre to the hearinge of Masse at the chapples or houses of forrayne Ambassadors or of any other priviledged persons whatsoever, and that the offenders may be punished accordinge to the lawes.

Punish their insolencyes.

12. That all such insolencies as any popishly affected have lately committed or shall hereafter committ to the dishonor of our religion, or to the wronge of the trew professors therof, may be exemplaryly punisht, and namely the haynous fact of on Foster, in openly tearinge the Bible in the Cathedrall Church of Canterbury.[c]

[a] The remainder of this section was afterwards omitted.

[b] The final clause was afterwards omitted.

[c] The clause relating to Foster was omitted.

13. That his Majestie be petitioned, that the Stat. 1° Eliz. for the payinge xij*d.* every Sondaye, by such as shalbe absent from Divine service in the church without lawfull excuse, may be put in dew exequution, the rather for that the penalty is given by law to the poore, and therfore not to be dispenced with. June 25. Execution of the law 1 Eliz.

14. Lastly, that his Majestie be petitioned to extend his princely care also over the Kingdome of Ireland, that the like courses may be there taken for the restoreinge and establishinge of trew religion. The like lawe for Ireland.

Divers other thinges were promiscuously uttered at the Committees, not particulerly inserted into these articles.

Concerninge the increase of Papists and their Insolencies.

Sir Th[omas] Hoby. In Yorkeshire they are doubled, if not trebled, since this connivency. In the North Ridinge ther were 1200 convicted five yeares since, now 2400. Numbers of recusants.

Mr. More. In on parish of Lancashire 533 presented, and in fower parishes 400 reformed by the xij*d.* a Sonday, and 80*li.* collected for the poore.

Sir Ed[win] Sandes. In the end of the Queenes tyme in all the Kingdome but 400 Preists and 60 Jesuites; about three yeares since there were knowen to be 1060. Of preists and jesuites.

Mr. More. In Lancashire 60 of them joyned together and beate the Sherriffe comminge to levy the xij*d.* for absence from church. They have built a church yarde, cary up and downe an alter publikelye, have certeine places where none but recusants come, on Jarren a preist useth to ride up and downe with sixe men, and, when their armour hath bene taken, letters have bene procured to deliver it againe. Their insolences in Lancashire.

Touchinge the favour shewed to papistes and other causes of this increase by the manyfold shifts and devises on their behalfe. Favour shewed them by

Divers pardons and warrantes for preists taken, wherof on was voucht in Exeter. pardons,

Letters sent into Yorkeshire not to levy the xij*d.* accordinge to the Statute. letters,

Misnaminge men in process and Commissions for exequution. shifts in their behalfe.

June 25. Misnomers. Certioraries. Certioraries to remove the Inditmentes out the countrye with a retorne immediate in the Chancery, wither noe man will come up to prosequute, because of the charge, and then if they appeare they are acquited for want of evidence.

SIR THO[MAS] FANSHAWE. This is a new course, and under the great seale there is noe such returne in the King's Benche.

Sellinge their goods. Sellinge their goods and removinge their dwellings out of the countye or into priviledged places.

Information by collusion. Informers licensed to compound before conviction and other informations by collusion.

Popish schoolmasters. Popish schoolemaster. On in Yorke had 56 schollers, of which there were 36 papistes. The schoolemaster was licensd by the officiall of Yorke, who hath the keepinge of the seale duringe his life, without privitie of the Arch Bishoppe. The like schoolmaster in Buckinghamshire, another at St. Chalher in Cornewall, another in Lancashire.

Bookes. Mountague. By printinge bookes of mediation to reconcile us and the Papists, such as Mr. Mountague's, where, of 47 questions, he defendes but 7 or 8 to be matters in difference betwixt us and the Papists. Another

Conversion of B. Kinge. booke printed of the conversion of the late Bishopp of London[a] and disperced, wherin Sir Ed. Sandes is likewise toucht.

Enlarginge of preaching. Concerninge the enlarginge of preachinge; That silenct ministers may be alowed to preach in all pointes agreeable to the doctrine and discipline of the Church of England (this was moved by SIR NATH[ANIEL] RICHE).

Silenct ministers. The like petition hath bene (almost) in every Parliament: they refuce not to subscribe to the articles accordinge to the statute. But another subscription is required by Cannon; and noe Cannon can compell a man under a penaltye to loose his freehold.

SIR B. R[UDYERD] thought good to leave out this article, because moderate Bishopps would doe it of themselves.

MR. SOLLICITOR, to mitigate it: That wee desire the Kinge to

[a] Bishop King.

propownde it by waye of advise to the Bishopps, not by way of injunction. June 25.

For the lessninge of non residenceyes and pluralityes, there are three sortes of petitions, 1° of grace, 2. of right, 3. of provision. Of this nature the Commons delivered a petition 50 Ed. 3; that the people might not by those meanes be deprived of their spirituall foode; since that, in 17 R. 2; 2d°, 4t°, 6t°, 11° H. 4: 10 H. 6.: 1°, 4t°, 6t°, 7° H. 8. Then Cardinall Woolsey disgract Parliamentes to the Kinge; soe ther was but on betwixt that and 21; in which and all the former recited since 50 Ed. 3. there have bene perpetuall complaintes against non residency. Nonresidencye and pluralityes.

For the admittance of none but sufficient persons, not to be tryed by jury, but by the metropolitan; if the patron bee laye, he must have notice if he be insufficient; but not if he be spirituall. This idoniety in respect of learninge is interpreted to extend only to be able to give account of his faith in Latin; yet if the clerke dye before triall, then it shalbe inquired by jury, because hee cannot answere. It doth likewise extend to mannors. If the exeption be *malum prohibitum*, and not *malum per se*,[a] no cause of refusall, as a haunter of taverns in a case of my Lo. Diar; *s*[*c*]*ismaticus inveteratus* no cause unlesse the heresy be assigned in speciall. Sufficiency of persons presented.

The increase of maintenance. Before 31 H. 8. ordinaryes might have increased the maintenance by charginge the impropriations; is otherwise nowe. The whole charge not to be put upon the impropriations, because they are confirmd by law; nor to meddle with *modus decimandi*. They are freed grounds anciently belonginge to the fower great orders of Fryers, which by exemption were to pay noe tythes *dum in manibus suis excoluntur*.[b] Those were desired now to be made in some measure chargeable with this increase; the rest to be raised upon the parishe, soe as every livinge might be worth 50*l*. per annum at the least. Increas of maintenance.

[a] persu, MS.

[b] excolunter, MS.

28 Junii.

June 28. About ten of [y^e] clock that day, Sir Ed. Sandes and Mr. P[ym] who had bene absent all the morninge and the most part of the day before in framinge the articles, brought them readye, wherupon the Sub-committee was presently appoynted to sit in the Court of Wardes, to whom they were delivered, and the great Committee was appoynted to sit in the afternoone to receive the report of the Sub-committee, that soe they might be examined and debated.

Articles touchinge religion.

Publicke faste. Mr. Sollicitor in a message from the Kinge declared that his Maiestie had, accordinge to our petition, given direction for a publike faste, wherin hee had appoynted on daye weekly throughout the Kingdome to be observed, but for the Houses of Parliament hee leaft it to themselves, when they would beginn; and to make choice of their owne daye.

A messuage came from the Lordes desiringe a present conference, which was graunted; and the effect of it was that both Houses might agree upon a tyme and place for the solemnity of the faste, and whither to bee together or asonder. 400 coppyes of his Majestie['s proclamation [a]] for the faste were sent downe by my Lo. Chamberlaine [b] for the members of the Commons' House.

*Eodem die post meridiem.*

Articles touching religion. The great Committee examined the articles concerninge religion, the Speaker sittinge by; and these exceptions were taken.

Deprived ministers. 1. Against the article for the deprivde ministers exception was taken by Sir Rob[ert] Hatton and Sir Dudly Diggs; which yet was maintained by Sir Tho. Hobby upon reason of lawe, that noe penaltye can be extended to the losse of a freehold but by Act of Parliament, and very well by Mr. Crew (the Speaker's sonne) by reasons of equitye and conscience. 1. The fame of those men who had been of the same opinions, Mr. Hooper a martir, Doctor

[a] Blank in MS.

[b] The Earl of Pembroke.

Renold[a] and Mr. Bright.[b] 2. The excesse of the punishment; it beinge without president in Christendome that men united to the church in fundamentall points should suffer in soe heavy a measure. In this varietye the House beinge like to be devided, Sir H. Martin propounded a forme of entry for that article which for the present setled the debate, and hee was commanded to write it downe in paper for direction of the Committee; who, notwithstandinge, apprehended such exceptions to it that it was alterd in the petition. June 28.

2. Against the article for reformation of the Universityes, and the complaint of Dr. Annian, but both were ordered to stand.[c] Dr. Annian.

The Speaker being called to the chayre a report was made of the conference with the Lordes concerninge the faste, wherin the tyme propounded was Saterdaye, the place for them the Collegiate Church,[d] two Bishopps appoynted to preach; three Lordes to observe such as were absent. The manner accordinge to the Kinges directions in print, and a collection for the poore. Lordes' faste.

The same daye was by us appoynted for ourselves, St. Margaret's Westminster the place; three preachers, Dr. Preston, Mr. Sute, Mr. Oldsworth; Dr. Westfeild, who was first named, beinge excusd; and likewise a gatheringe for the poore. Commons' faste.

A select Committee was nam'd out of the former articles to frame a petition to the Kinge in the matter of religion; and to present by themselves to the house such other poyntes as were to be reformed by bill.

2. What was done the 29th of June when I was out of the house about framinge the petition?

[a] Reynolds. [b] Perhaps Thomas Brightman. See Neal, ii. 66.

[c] The clause about Dr. Anyan was subsequently omitted.

[d] *i. e.* Westminster Abbey.

## 30 Junii.

June 30. Excomunication of recusantes.

A draught of a petition was presented by the Committee and read; only an exception beinge taken by Sir H. Martin. In the 9 article it was desired that the censure of excomunication might be pronounced against recusants. Hee alleaged that in the cannon lawe ther was excomunication *juris* and *excomunicatio hominis*. By the stat. [3 Jac. I. cap. 5, § 9] [a] it was enacted that all recusants should be ipso facto excomunicated; and this, which is *excomunicatio juris*, is in reputation of lawe greater then the other which is *hominis*. So hee did not thincke fit there should be a new sentence pronounct; therfore to leave out the word, and to alter it thus—The censure of excomunication might be declared and certifyed against recusants.

With this amendment the draught of the petition was allowed, and, notwithstandinge our joyninge with the Lords was opposd by Sir T. Wentworth, a message was sent to their House to desire a conferrence to that effect.

Supply.

The articles concerninge those poyntes which were to pass by bill was delivered to the clearke. Sir Francis Seymar (the business of religion being settled,) mov'd that wee might goe to the next poynt of supply and propounded a subsidy and on fifteene.

Sir B[enjamin] Ruddyre [b] declared the necessitye of the King's estate, his great charges in domesticall occasions, the funerall, entertainment of ambassadors, coronation, forrayne preparations of the navy, Low Cuntryes, Mansfeild, Denmarke; he concluded the somm propounded to be too litle both in respect of want and of his reputation.

Guifts of two subsidyes.

Debate waverd a good while; some would have on, others two subsidyes with the addition of on, others two, others fower fifteenes; but the most were inclinable to noe fifteenes at all, being very

[a] Blank in MS.

[b] Rudyerd.

burdensome to the poore sorte, especiallye in townes and ancient burrowes (thoughe SIR H. WHITHEAD affirmd when hee was collector of the fifteenes in Hamshire the payementes came in easlye and without greivance), and pitched upon two intyer subsidyes. June 30.

SIR ROBERT PHILLIPPS. Divers circumstances in this guift will express the affections of the subjectes more then the vallewe, and wisht wee should soe make it an act of affection as not to exclude judgment. 1. Wee made it the first worke of a Parliament which was wont to be the last. 2. Not foure Kinges of England that ever had soe great a supply. 3. Though wee cannot so give up the sence of our state as not to saye—that never Kinge found a state so out of order; the priviledges of the kingdome, the priviledges of this House, have bene soe broken, such burdens layd upon the people, that noe tyme can come into comparison with this. These thinges considerd, ther cannot be a greater argument of our love then that wee are at this tyme contented to lay aside the right of the subject. 4. There is noe ingagment; the promises and declaracions of the last Parliament were in respect of a warr: wee know yet of noe warr nor of any enemy. 5. Wee have yet noe accompt of the mony which they saye is ready; but what accompt is to be given of 20,000 men, of many 1000 li a of treasure, which have bene expended without any successe of honor or profit. It was not wonte to be soe when God and wee held together; witness that glorious Q[ueen], who with less supplyes defended herself, consumed Spayne, assisted the Low Cuntryes, relieved Fraunce, preserved Ireland. Hee concluded that wee should be suters to the Kinge to take these thinges into his consideration, and to proceed in his government by a grave and wise counsell, and, for supply, hee fixt upon the proposition of two subsidyes without fifteenes. Ther is noe cause for more, and hopes no man will press for more. They diminish the Kinge that thincke mony can give him reputation. The hartes of his subjectes are his

[a] This is certainly right, in point of fact. In Eliot's Narrative it is "many millions of treasure," which is a gross exaggeration.

June 30. greatest honor and reputation. His example I hope will amend us towardes God. His government will cause a reformacion amongst ourselves. Ther was never any Kinge upon whom ther were fewer notes of vice, and wee [a] ever be thankfull subjectes. But it wilbe most for his honor that what wee doe come freely from us. If any presse his merit to extend us farther, they misse the waye. For other argument wee know [not] what can be saide, and hope that at the retorne of the navy there wilbe better inducementes.

Sir Ed[win] Sandes agreed to the same somm: added for tyme of payment September next and Candlemas.

Sir Tho[mas] Wentworth, so farr from consentinge, that hee would not have any man heard that should speake for a greater proportion. This was given to his Majestie freely and cheerfully as the first fruites of the springinge love of his subjectes; yet to inlarge our guift thus farr that these subsidyes may be doubly charged upon recusantes. Hee added by waye of motion that at our next meetinge wee should remember to goe soundly on so to regulate the revennewes of the Crowne, that they might hereafter beare some parte of the publicke charge.

The Kinges Revennewe. Sir Ed[ward] Cooke. Ordinary charges the Kinge should beare alone; but *ubi commune periculum commune auxilium.* In extraordinary hee may require releife. 27 Ed. 3, the Kinge told his subjectes hee demaunded noe aide because hee had good officers. The Kinges revennewe as it is, is able to supply his ordinarye. Ancient Parliaments did soe limit their guifts, that they meet againe. Till 31 Eli. never but on subsidye graunted, and Sir Walter Mildmay, though hee were a great officer, spake against it then: but since that tyme there hath bene noe such stinte: 35$^{to}$ 3 subs. $\frac{6}{15}$,[b] 39 3 subs. $\frac{6}{15}$, 43 4 subs. $\frac{8}{15}$, etc. And it is not to be forgotten that the tonnage and poundage which yeilds 160,000$^{li}$ per annum, and the subsidyes of the clergye 20,000, are all by guift of Parliament. The tyme for the two subsidyes hee would have October and Aprill.

[a] Perhaps "wee will ever."

[b] *i. e.* Six fifteens.

The House began now to setle both upon this proportion and upon the tymes; when divers courtiers came in, who were most of them absent in the beginninge of this motion, as not expectinge this would have fallen out a daye for that businesse. Soe, though divers were provided to have spoken and ment to have urged for a larger proportion, yet not knowinge how the debate had past, and seeinge noe likelyhood of prevailinge, they held their peace. June 30.

Three reasons were given against the double subsidyes upon recusantes. 1. Not sutable to mixe punishment with gratulation, which was spoken not to spare the recusantes, but to burden them in an orderly way. 2. It would make the Bill in penninge, and the taxation, more intricate. 3. The advantage to his Majestie would be very small, for if it be limited to recusantes convict their are few of those; if left at large, some new way must be devised to direct to the commissioners for tryinge of them, but it was moved to extend to recusantes indited without conformitye, or els to all such as had not received within a yeare. Double subsidyes upon recusantes.

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## 1° Julii.

Divers motions were made concerninge armes and soldiers, that the authoritye of pressinge, of taxinge wages for the muster master, imposinge armes, and punishinge those that, being prest, shall run from their captaines, may be reduced to some certaintye, and not left arbitrary or by comission. July 1. Armes and soldyers.

Sir Dudly Diggs and fower others were sent to my Lo. of Canterbury to know what his Grace had done upon the referrence made to him by the House of Commons the last Parliament concerninge Mountague's booke.[a] They found him sicke and upon his couche; but after they had delivered the message, the rest of the Committee intreated Sir D. Diggs to take his Grace's answere in Montague. Message to the ArchB. of Cant.

[a] The New Gag for an Old Goose.

July 1. writinge as hee spoke it, and the report therof was now read out of that paper.

His answere. When it pleased that wise and judicious House the last session of Parliament to recommend unto mee the consideracion of Mr. Mountague's booke, I saw I was with care and caution to deale in that matter, because it caryed with it divers difficultyes, for albeit it intended a great trust and confidence which that worthy assemblye had in mee, yet I fownde it came unto me without touchinge on the Lordes spirituall and temporall, or either of them, but directly to myselfe as Archb[ishop] of Canterbury. 2ly I could not tell how every where it was tasted that the booke should be handled or questioned in the highe Court of Parliament. 3ly I had reason to foresee that it might be objected—By whose authority will my Lord of Canterbury censure this booke without the Convocation, or without the Comission Ecclesiasticall? Yet findinge that it was fit that truth should be supported, scandall should be removed, the peace of the Church continued, and that great assemblye receive convenient satisfaction, I addressed myself to doe my duty, findinge that, albeit divers thinges excepted against mighte receive some favorable interpretation, yet there were some others of another nature, I with my best advice fell on this resolucion: 1. To acquaint the Kinge of blessed memory what had bene directed to me, and to move his Majestie that I might send for Mr. Mountague to speake with him concerninge that booke; wherunto his Majestie graciously assented. I sent for Mr. Mountague by a letter, to which hee retorned this answere. The answere was read, which expressed a generall sorrowe that he should be thus questioned, a profession of his clearnesse from popery, a promise of repairinge to the Archbishop assoone as hee should be able, beinge then sick of a fever.

His Grace proceeded. 2ly When I had received this letter, thinckinge their had bene modesty and ingenuitye in the man, I acqnainted the Kinge with it, and told him what course I did purpose to hold with him, which his Majestie very well approv'd.

Ther passed divers dayes before his comminge to me, and by that

time I saw him I was fallen into a stronge fit of the goute, so that it was much paine unto mee to speake unto him; but the words I used were to this purpose:— July 1.

Mr. Mountague, you professe you hate popery, and noe waye incline to Arminianisme; you see what disturbance is growen in the Church and in the Parliament House by the booke by you lately put forth. Bee occasion of no scandall or offence, and therfore this is my advice unto you. Goe home, reviewe over your booke, it maye bee divers thing have sliped you which upon better advice you will reforme. If any thing be said to much, take it awaye; if any thinge be too litle, add unto it; if any thinge be obscure, explaine it; but doe not wedd your self to your owne opinion, and remember wee must give an account of our ministrye unto Christ.

Hee seemed to embrace this counsell, and tooke it kindly at my hands that I had delt soe fatherly with him. But beinge gon from mee—savinge fames and rumors—I never hard word of him till May day last in the morninge, at what [time] beinge in my rochet goeinge to my barge to wait upon the Kinge at Court, Mr. Mountague in my great chamber presented mee with his second booke;[a] wherabout when I had expostulated with him—not havinge read on word of it—what the cause should be I should be soe slighted, and the booke published without the least notice of mine, hee gave me a cold answere,—That since his departure from me he had not bene at London till the weeke before Easter laste, and in that time hee was busye in printinge of his booke.

Now, whether I and others whom it maye concerne have bene fairely used, I leave to other men's opinions; for this second booke it selfe I shall, God willinge, freely give my judgment of it when and where I shalbe orderly directed to it.

The busines was referd to the Committee appoynted for matters of religion, as well touchinge the first as the second booke.

Sir Ed[win] Sandes made a report concerninge a petition delivered by divers merchantes touchinge xx$^{s}$. per tunn newly imposed Imposition upon wines.

[a] Appello Cæsarem.

July 1. upon wines. My Lord of Midlesex had layd 3li a tunn upon wynes, wherof ther was a complaint the last Parliament, therof the merchantes were enforst to pay on half in hand, and to give bond for the rest. It was mediated by Mr. Cooper, that, if they would pay xxs, they should have a longe daye and take up their bond. This was now urged upon them in perpetuity upon a pretence of a consent; yet they offer to prove by oth they did never consent. 2ly if the marchantes of London had consented that would not bind the out ports. 3. Noe consent of merchantes can conclude the Parliament, or prejudice the Kingdome. 17 Ed. 3, and 22 Ed. 1, There was an agreement made for an imposition upon woolles; the Commons desire the marchants maye be excepted out of the pardon.

The reason why the merchants renewed their complaint now was because this particuler was left out of the petition the last tyme, and soe they are without remedye. It was ordered to be drawen by Sir Ed[win] Sandes into the forme of a petition.

Oxford ordered to be placed before Cambridge in the Bill of subsidye.

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4to of Julii 1625.

July 4. The first part of the morninge was spent in a committee about Mountague's booke.

Election of Yorkshire. Sir George Moore made a reporte from the Committee of Priviledges concerninge the Yorkshire case. The Sherriffe had confest and Sir John Savill had sufficiently proved the pole demanded, granted, but not performed; but it was aleaged that it was demanded after 11 a clocke, and interupted by the misdemeanor of Pollinge. Sir John Savill; and they desyre tyme for witnesses, or, if the case were admitted, to be heard by counsell. The Committee was devided, some thinckinge the pole soe necessarye a tryall as noe election in a case of competition could be without; and for this was voucht the case of Cambridgshire in the last Parliament. Others

were of opinion that if the pole were demanded before 11, and not graunted till after, it was a voyed graunt as in the same case of Cambridge; but if it were not demaunded till after, it was a voyde demande, as was agreed in the case of Gloucestershire the last Parliament. And although the demaund and the graunt were both legall, yet if the interruption were by Sir John Savill, he ought to take noe benifit of his owne misdemeanor, as was resolved in the case of Pomfret. July 4.

Mr. Ch[ancellor of the] Duchy.[a] If we will goe to a hearinge upon Bill and answere, you must admit all that the defendant saith to be trew. So, unless Sir Jo. Savill will agree to the case as it is propounded by Sir Tho. Wentworth, wee cannot deny him witnesses.

Mr. Stroud. It is not enough to aledge an interruption in generall, but he must assigne the particuler action or misdemeanor wherby the sherriffe was hindred.

Mr. Rolles. It is noe answere for the Sherriffe to saye that hee is interrupted; because hee hath the power of the countye, so that it is not to be supposd that any man can interrupt him.

After very long debate it was ordered that Sir Tho. Wentworthe should frame his case, and deliver it to Sir Jo. Savill to be agreed by to-morrowe morninge.

A message came from the Lordes desiringe a conference in the afternoone aboute the petition concerninge religion; which was yeilded.

*Eodem die post meridiem.*

Mr. Sollicitor deliverd his Majesties answere to the last petitions of Greevance deliverd the last Parliament to Kinge James.[b] Kinges Ans. to greevances.

1. Against the Patent for the Plantacion of New England. New Ingland.

Ans. It shalbe free for all the Kinges subjectes to performe their fishinge voiages upon that coaste, yeildinge a reasonable

[a] Sir Humphrey May.
[b] Parliamentary History, i. 1489.

July 4. recompence to the planters for their wood and timber; and if anythinge in that patent be against law it shalbe amended.

Goldewyer-drawers. 2. Against the new corporation of Goldewyer-drawers.

Ans. The Patent is in the Clerke of the Parliament's hand, and is not used, and his Majestie is well pleased that it be recald by course of lawe, if they will not voluntaryly surrender it.

Concealments. Sir J. Townsend. 3. Against the Patent of Concealmentes graunted to Sir Jo. Townsend.

Ans. The Patent delivered to the Clerke of the Commons' House; and there it is, and not used; and if it be thought fit to be revokt by bill his Majestie will pass it.

Breiftes. 4. Against licences called breiftes.[a]

Ans. His Majestie hath comaunded none to [be] graunted but upon certificat in open sessions; and that such certificats shall not be made but upon just cause, and the same countye to be alwayes on.

Notwithstandinge this answere it was now ordered in the House that the order of the last Parliament should stand, that no justices should make any such certificats.

Apothecaryes. 5. Against the Letters Patentes of the Apothecaryes.[b]

Ans. If any thinge in these letters patents be amiss in the manner and forme, his Majestie leaves it to the Parliament to be reformed by bill, but because it concernes the liffe and health of his subjectes, he doth not thincke it fit it should be lefte without government in the meane tyme.

Light house Winterton Ness. 6. Against Sir John Meldranes[c] Patent of the light of Winterton Ness.

Ans. This lighthouse is usuall and necessary, but if the tax be too greate, he wisheth it may be moderated; which he referreth to the advise of both Houses.

Sir Simon Harvye. 7. Against the abuses of Sir Simon Harvye.[d]

[a] For making collections for charitable purposes.
[b] Constituting them into a separate company.
[c] Sir J. Meldrum.
[d] In purveyance for the Household.

Ans. The particular abuses have bene examined, and the compositions which were the ground of the misdemeanor are set at large. July 4.

This was not accepted as a satisfactory answere.

8. Against grauntes of custody of jayles to others then Sherriffes. Sherriffes, Gayles.

Ans. The Sherriffes shall accordinge to lawe have the custody of jayles in those places which are in the Kinges hande, and all graunts to the contrarye left to the lawe.

9. Against the Patent of Surveighorshipp of Newcastle coales. Newcastle coales.

Ans. This Patent hath had no countenance from his Majestie; and the validitye of it is left to the lawe.

10. Against the multitude of popish and seditious bookes. Popish bookes.

Ans. A proclamacion was lately made to reforme the abuses in kinde, which shalbe renewed.

Sir H. Martin. These bookes consign'd to ambassadors and sold in their places.

11. Against the proclamacion for buildings. Buildinges.

A. Ther hath much good come by the reformacion of buildinge, and such poyntes as were formerly found inconvenient are nowe qualifyed and altered; and his Majestie is resolvd to goe forward with the worke.

12. Against Doctor Annyan.[a] Dr. Annyan.

Ans. When they of the Colledge doe complaine to his Majestie he will take care of them.

13. Concerninge the instructions of the Courte of Wardes. Instructions for wardes.

Ans. His Majestie will recall the last instructions, and will establishe new accordinge to the desire.

14. Against the Marchant Adventurers. Marchant Adventurers.

This consisteth of severall articles concerninge trade of clothe, to which there are severall answeres.

Ans. i. The trade of clothe is quickened, and noe complaint since the last Parliament.

ii. The manye causes of the decay are removed. 1. Dyed and

[a] President of Corpus Christi College, Oxford.

July 4. drest clothes may be vented by any other to all places except those limited to the Marchant Adventurers. 2. New manufactures by any other to any place. 3. If [white][a] clothes be not bought by the adventurers, any other shall have leave to buy.

iii. The imposition layd by the marchants is abated and limited to a shorter tyme, and afterward is to be layd by.

iv. His Majestie will write to his ambassadors with the Arch Duches and States concerninge the burdens layd upon clothe in those partes.

v. His Majestie hath not tyme to examine the pretermitted customes, but leaves it to the next Session.

vi. The fees of the Custome House shalbe regulated and tables appoynted.

Levant and [Turkey][b] Marchants. 15. Concerninge the complaynte of the Marchants of the Levante.

Ans. The Imposition is not newe, noe more then as in Q. Eliz. tyme, and the Venetians offer to beare it, soe they may bringe in the comodityes, which they will doe in English Bottomes, which takes awaye the pretence of our charge.

Binnie and Ginnie. 16. Against the Patent of Bynnie and Ginnye.

Ans. This Patent is delivered into the handes of the Clerke of the Parliament, and is left to the lawe.

Sir H. Martin afirmd it was never allowed in the Admiralty.

Alnage. 17. Against the abuse of Alnage.

Ans. The abuses of the Deputy Alnagers are directed to be reformed by speciall limitations.

Perpetunoes and serges. 18. Concerninge perpetunoes[c] and serges.

Ans. The rates upon serges and perpetunoes have bene complayn'd of by the Westerne men, and are moderated to their content.

Prisage. 19. Against the abuses in takinge of prisage.

Ans. Prisage shall not be taken but accordinge to the rule of justice.

[a] So, A. "what" in MS.

[b] Levant and merchants. A, and MS.

[c] Perpetuanoes, A. *i. e.* perpetúanas, a stuff so called from its enduring quality.

20. Concerninge clothworkers. July 4.

Ans. His Majestie leaves it to the Parliament House to consider what is to be done hearin. Clothworkers.

21. Concerninge tobacco. Tobacco.

Ans. His Majestie hath prohibited all forrayne tobacco, and none is to be [imported][a] but of the growthe of his owne dominions.

22. Concerninge the Eastland marchants. Eastland Merchants.

Ans. The marchants doe give waye that any other may bringe in necessaryes for shippinge and tymber.

23. Concerninge the impositions upon currants. Currants.

Answere. The Venetians are contented to beare that charge so they may have the importation, and they will bringe none but in inglish bottomes.

Sr Ed. Cooke. That the answeres may be reduct to a certaynty, ingrost, and anext to the petitions. 2. When the complaynt is that a greivance is against lawe, it is noe answere to saye it shalbe limited. Therefore in such cases to desyre a better answere. 3. To appoynte a speciall Committee to consider of these answeres.

At a conference with the Lordes the same day.

My Lord Keeper delivered a message from the Kinge. That his Majestie tooke in his consideration and care our safty, more then his owne, the sickness strongly increasinge; when hee should receive word that wee were readye, yet not pressinge us to any hast but such as wee should thincke fit, he would not deferr to make an end of this session by his presence, or otherwise. Sickness increassing.

Divers alterations were desyred and agreed to in the petition concerninge recusants.

In the 6 and 8 Articles of causes, two verball amendments.

In the first remedye, the particuler of Conyars left out; because removd and punisht already, by his Majestie's direction.

In the 5 and 13 remedyes, the petition turnd into a thanksgivinge, because the Kinge had already given order in both cases.

[a] Improved, MS.

July 4.

The sixt remedy touchinge closs imprisonment of Preistes and Jesuites extended to all other recusants.

The 7, concerninge forrayners exequutinge episcopall jurisdiction extended to naturall subjects.

The 8, concerninge avoydinge his Majestie's grantes of recusants' lands explaned by addition of these words:—If they shalbe voyd or voydable by lawe.

In the 14, the particuler of [Forster][a] left out, a legall course beinge already taken for the punishinge of him.

The 15, concerninge a generall comission to see the lawes executed against papists left out, because the law hath already trusted the judges and justices with it.

In the conclusion to the remembrance of the Kinges promise, addition made of thanckes, with a desyer it maye be continued.

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## 5 Julii 1625.

July 5.

Leviinge soldiers and keepinge them upon the charge of the countye.

The first parte of the morninge was spent in the Committee for Mountegue.

There had bene complayntes from divers countyes that they had susteyned great charges in keepinge of the prest soldiers, contrarye to the express intention of the Act of Subsidyes, wherin it was declared that all manner of charges concerninge the services for which they were given should bee defrayed out of those subsidyes.

Order for repayment of that charge.

Wherupon it was ordered that the Treasurers[b] out of the mony remayninge in their handes shall make repayment of all such [soms][c] as have bene disbursed in the severall countyes for any of the services mencioned in the Act of Subsidyes, and that, upon the certificats from the Deputy Leevetenants, the Counsell of warr should make warrants for the payments of all such soms as should be contayned in the same certificats; which warrants should be

[a] Forsker, MS.

[b] Appointed in the Subsidy Act of 1624.

[c] A.

dischargd by the Treasurers before any other, in such order as the mony appeard to be disbursht. July 5.

An Act for the adjornment of Parliament. Adjornment.

It conteyned—That his Majestie might give his Royall Assent either before or after the adjornment, without determininge the session. To this exception was taken by MR. ROLLES, aledginge 3 H. 6, there the Commons clayme a priviledge that the Royal Assent should be duringe their sittinge.

An Act for the subsidy of Tunnage and Poundage. This Bill produced divers motions. Tunnage and Poundage.

SIR W[ALTER] ERLE. That the Narrow Seas may be better garded then they have bene; it beinge the consideration upon which this graunt was first made, and that for want hereof divers shipps have bene of late taken upon our owne shore.

That it might not nowe passe for the Kinges life, till the pointe[a] of the pretermitted costome[b] be examined, which is fownded upon this graunte, and in the meane tyme be limitted for a yeare.

SIR ROB[ERT] PHILLIPPS seconded him in both, and added that it might so be past as not to exclude the question of other impositions. Untill H. the 6$^{ths}$ tyme this graunte had never other then a temporary limitation. Kinges ever received it as a guift of the subjecte, and were therwith contented without charginge them with any other waye of imposition: for if they had any such power it were altogether unneedfull to passe. That ther might be a savinge for the securitye of those that have received these rates since the Imposition.

[a] A. poyntes, MS.

[b] The pretermitted customs were first imposed by Mary upon the export of woollen cloths, on the pretext that the customs duty upon the export of wool was evaded by sending out wool in a manufactured state free of duty. It was reimposed by Elizabeth, and again, after some years intermission, by James I. in 1618. (Grant to Nicholson and Morgan, Nov. 4, 1618. Patent Rolls, 16 James I. Part 3.) They therefore differed from the New Impositions as being founded on an interpretation of a grant made by Parliament, whereas the latter were collected without any great pretence. Unless however the Tonnage and Poundage Bill passed into law, the pretermitted customs as well as all other customs would, if collected, be placed on the same basis as the New Impositions, that is to say they would be demanded without Parliamentary authority.

July 5. Kinges death, for after the death of Q. Eliz. 1° Jacob. the officers were questioned in Parliament for the like offence.

Mr. Sollicitor spake against any change in the limitation, because it had continued so many discents, and might be distastfull to the Kinge, who would be as inclinable to doe matters of grace to us as any of his ancestors; yet he yeilded it should be committed, and that some short proviso might be annext to save our right in those questions.

Sir Ed[ward] Cooke excepted against these wordes, advised by the Lordes. 9 H. 4, the Lordes moved for a subsidye, which the Commons would not indure.

Mr. Shervill. That ther may be a proviso that the officers may receyve the entryes and the subsidye accordingly when they shalbe tendred, which now they often refuce, both in respect of their owne fees and of other impositions.

Q. What was done in my absence beinge in a Sub-Committee with the Lordes for amendment of the petition accordinge to the particulars agreed?

Somewhat late in the afternoone I fownd the House not risen, havinge continued all that while in the question of the election of Yorkeshire.

Mr. Glanvill. The rules of this House not accordinge to the rules of inferior Courtes.

Damage against a Sherriffe is a recompence in ordinary actions, but not in a case of the [liberty][a] of the Kingdome. Feare is noe [justification][b] for a Judge, Sherriffe, or other great officer for not doeinge their dutye. 21 [R.[c]] 2. The Kinge demaunded of the Judges why he might not comaund the Sherriffe to retorne such of the Parliament as he should name. They declared their opinions that hee might. Afterward being questioned, on of them answerd that they should have bene hanged if they had done otherwise; and yet withall confest that they deservd to be hangd for doeinge as they did. But if there be not a necessity of tryall by the pole, then in

[a] A. [b] A. [c] A.

many cases may the Sherriffe retorne whom he will. The reasons given on Sir Tho. Wentworthes behalfe he answered thus: July 5.

1. Where it [is] aleaged that his nomber was the greater, which they offer to prove. In the case of Southworke (21 Jacob.) ther was a nomber sufficient, but because the pole was demanded and not performed, it was adjudged a voyde retorne. Pollinge.

2. That the dore was opened and divers of Sir Jo. Savill's company let in after 11 of the clocke. In case of Arrundell for a Burrow and of Gloucestershire for a County, it was ajudged that the Burgesses and freeholders ought to be admitted at any tyme dureinge the election. Hower of election.

3. That the election was disturbed by the goeinge out of Sir Tho. Wentworthes company, who (upon the speeches of Sir Jo. Savill that the pollinge would last three dayes) made as much shift to get out of the gates as the[y] could. Disturbance of the pole.

These wordes were as prejudiciall to his owne parte as to the other; besydes, if disturbance be a sufficient answere in any case, it should have bene admitted in the case of Pomfret, where the Maior's[a] staffe was broken, but it was not then allowed, because he might have craved ayde of the Sherriffe who hath *posse comitatus*, which reason is much stronger in this case, where the Sherriffe himselfe is present.

The judgment of the House was, that the retorne was voyde, and a warrant to be made for a new election, yet the Sherriffe to be cleare from any misdemeanor; both which poyntes were determined in two distinct questions.

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## 6 Julii 1625.

In the morninge the great Committee sat in the House upon the Bill for adjornment; which after some debate was reported to the House and ordered to be ingrost. July 6. Adjornment.

[a] A.

July 6. Mountague.

In the afternoone Mr. Mountague was examined in the House upon divers articles. The examinations were longe in tyme, but short in matter; the most effectuall poynts were these:

That his first booke was printed by Kinge James' speciall warrant, procured without his privity, as it should seeme, by Dr. Lincy and Mr. Cosins the Bishoppe of Dorrhom's Chaplaynes, to whom he sent the booke, and had besydes the ordinary licence of Dr. Whorrall.

That after the informations exhibited in Parliament, the Kinge sent for him, and spoke to him, the Kinge that now is cominge in the meane tyme, these words: "If thou be a Papist, I am a Papist;" givinge him leave to printe somewhat in his owne defence.

That my L[ord] of Canterbury havinge advised him to reviewe his booke and explane himselfe, and that hee might have a fit occasion therunto uppon the comminge out of the seconde parte of the Gagge, the Kinge told him hee needed not to reveiw it unless he would, and left it to his owne choice whither to goe to my Lo[rd] of Canterbury or not. Notwithstandinge hee had don it, and hadd provided an explacation accordinge to my Lord's direction, which hee is ready to put forth if it be required.

The second was printed by the Kinges warrant *ore tenus* at Theoballs, at which tyme some of his opinions beinge proposed, the Kinge swore, "By G[od], if this be popery I am a Papist," and when he desyred leave to give publicke satisfaction, the Kinge replyed, "Yea by G[od] shalt thou;" beeinge written, hee sent it to the Kinge by my Lo[rd] of Durrham,[a] and his Majestie comended it to Docter White, who gave a particuler censure of every article; and that it was printed accordinge to his apprabation without alteration; my Lo. of Canterbury not beeinge made acquaynted with it till afterward. If any thinge be offensive to any supreame or subordinate, or to the Ho[norable] House of Comons, *Indictum sit;* it was against his intention; yet he confesseth his style to be too full of sharpness, contrary to his profession, and contrary to his

[a] Bishop Neile.

disposition; but, beinge so traduct as he hath bene, desyres it may be considered whither any other man would not be transported beyond moderation. July 6.

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## 7 Julii 1625.

An Act concerninge the subsidy of Tunnage and Poundage. July 7.

This grant related to the 27 of March 1625,[a] and was to continew untill the 27 of March 1626. Tunnage and Poundage.

Sir H[enry] Martin moved for the stey of a suite against himselfe, and that person which served him with a suppena might be sent for, which was ordered accordingly. Priviledge.

Mr. Recorder reported the proceedinges of the Committee with Mr. Mountague, with their opinion of that cause, and first concerninge the first booke in answere to the Gagge.

That they fownd my Lo[rd] of Canterburyes answere to the reference made from this House in the last Parliament to consist of two parts:

1. An admonition to Mr. Mountague, which was grave and fatherly, that hee should reveiwe etc.[b] 2. An expression of his owne judgment touchinge that booke, which confirmes us in our proceeding that wee have reason to bringe that booke to examination; and the opinion of the Committee is that his Grace hath caryed himselfe with such respect as is fit to give this House satisfaction, and deserves thankes.

And though there be tenents in that first booke contrary to the Articles of Religion establisht by Act of Parliament, yet they thincke fit for [the] present to forbeare till some more seasonable tyme to desyer a conference with the Lords that course maye be taken to repaire the breaches of the Churche and to prevent the like boldness of privat men hearafter.

The second booke they conceive to be, in the manner of the

[a] The day of the King's accession.

[b] "as before fol. 22" in MS. *i. e.* p. 35.

July 7. puttinge it out, dispightfull and contemptuous to my Lo[rd] of Canterbury and derogatory to the dignitye of this House, and for the matter to conteyne divers factious and seditious passages: 1° to the dishonor of the Kinge that is dead. 2. Apparently tendinge to the disturbance of the Churche and State. 3. Offensive to the House as beinge against the jurisdiction and liberty of Parliament.

The first poynte of dishonor to the Kinge was instanest in two particulers.

1. That he labors so much to uphold the opinion of Arminianesme, which the Kinge labored so much to suppresse—

Arminiaus. 1. By his owne censure, writinge of Arminiaus, he saith that he was the first that infected Leiden with heresye; that he was the enemy of God; and of [Vorstius][a] his scholler; that he was an arrogant heretick to write a booke *de Apostasiâ sanctorum,* and send it to my Lo. of Canterbury, impudently aledginge it to be agreeable to the Churche of Englande.

Sinod of Dorte. 2. By procuringe the Synode of Dort, sendinge thither fower Divines for England and on for Scotlande, all which consented to the decrees ther made; and yet Mr. Mountague slights that Synode, and goeth about to elude this consent of our Divines by insinuatinge that it was not absolute, but under protestation;[b] wheras Docter Belcancquo,[c] examined upon this poynt, affirmed to the Committee, that the consent was upon oathe, and extended to all the cannons exceptinge three concerninge discipline which were excepted by protestation.

Articles of Religion. 3. By causinge the articles of the Church of Englande to be sent into Ireland, under the Great Seale of Englande, and in the 38 Article—justifyinge faith cannot be lost etc.; to add these wordes (totally and finally), which was likewise conteyned in the sence and intention of the articles of Englande, but not so fully explaned.

Pope Antichrist. 2. Wheras the Kinge by many excellent arguments proved the

[a] Bert, MS.

[b] "Whether any or all subscribed absolutely or with protestation, I cannot tell." Appello Cæsarem, 71.

[c] Balcanqual.

Pope to be Antichrist, he in his booke, which yet he hath dedecated to the Kinge, presumeth to write that he never sawe any so much as persuasive argument in that poynte.[a] July 7.

The second generall charge of matters tendinge to the disturbance of the Church and State was delivered in fower particulers.

1. That he labors to put a jelosy betwixt the Kinge and his well affected subjects by sayinge ther is a potent prevaylinge faction in the Kingdome, etc.; and these he calles Puritanes, but doth not defyne a Puritan, and yet he saith a Puritan is worse then a Papist. Ingrossers and Regraters are defyned by statute. If Puritans be so bad, it were good wee knew them. But Mr. Mountague leaves this uncertayne, for by his opinion we maye be all Puritans. Mr. Warde and Mr. Yates are Puritans, and yet these are men that subscribe and conforme.[b] 2. He saith ther are Puritans in harte. 3. Bishopps may be Puritans, *tantum non Episcopatu Puritani*.[c] Puritans.

[a] "I am not any way offended with you for your opinion that the Pope is Antichrist; yet much rather might I, because you presume to determine so peremptorily of future contingents. * * * Why should you be angry with me, in such points of no assurance, because I do not subscribe unto you? Who concluded it, but yourselves, to be flat Popery not to believe or preach that the Pope is that Antichrist? * * * Some Protestant Divines at home and abroad, I grant, have thought so, wrote so, disputed so; in good zeal, no doubt, against that insolent and insufferable, and outrageous tyranny and pride of the Bishops of Rome, and their infinite enormities in the Church; and as out of that affection have been too violently forward out of conjectures and probabilities to pronounce the Pope is that man of sin and son of perdition. The Synod of Gap in France made it a point of their belief and concluded it peremptorily to be so; and let them and you believe it so if you will. Their inducements do not convince or persuade me. I never yet saw proof or argument brought that was persuasive, much less that was demonstrative in the case. I never yet met with argument or reason to the point but, at least to my own satisfaction, I was able to answer it. If you can give better I am like to yield."—Appello Cæsarem, 142-144

[b] Puritans here means Non-conformists. Montague means Calvinists in doctrine.

[c] "I have learned, loved, admired and proposed unto myself to follow indeclinably not only the discipline of the Church of England (whereunto the Puritans and Schismatics themselves, at least the wiser and sutler sort of them come of roundly now, for ends best known to themselves, remaining *quod erant quoad doctrinam et tantum non in Episcopatu Puritani*), but the whole and entire doctrine of that

July 7 2. In slightinge those famous Devines who have bene great lights in this Church, Calvin, Beza, Perkins, Whitaker.

3. In laboringe to discountenance and disgrace God's Holy Word, of which three instances are product.

Lectures. 1. Concerninge lectures, not lecturers which are allway settled by authoritye, he hath these words—propheticall determinations in conventicles after lectures[a]—chewinge the cud after lectures—which is a metaphor commonly used by Divines for meditation, and spoken of him by way of scorne.

Preachinge. 2. Concerninge preachinge, he hath these words: Pratinge, preaching, and lecturinge—and—Dictates out of quiliats before a popular Auditorye,[b] and the soles in Limbus patrum not circumscribed as Mr. Yates and Mr. Warde in their pulpits.[c]

Bible. 3. Concerninge the Bible, he hath these words: Never a saint-seeminge, bible-bearinge hypocriticall Puritan in the packe,[d] etc.

4. That he gives men incouragment to persevere in poperye, or to turne to it; which was thus proved: first, in that affirminge Rome to be a trew Church and the spouse of Christ, etc.[e] 2. In that the booke was exceedingly read and comended by Papists.

Church, &c." Appello Cæsarem, p. 111. Did not Montague simply mean, "only not Puritans in the matter of episcopacy"?

[a] "I disclaim as incompetent popular cantonings of dismembred Scripture, and private interpretations of enforced Scripture. I will not be put over unto classical decisions, nor that idol of some men's reformation, unto any prophetical determinations in private conventicles after lectures." Ibid. 8.

[b] "It may be a custom amongst the informers and others of that tribe to dictate to their popular auditories out of their pulpits *tanquam de tripode*, though it be *quicquid in buccam*, and the same to be received upon their bare words as Divine Oracles." Ibid. 15.

[c] "Though the nature of a soul is not to be circumscriptively in place (as Tertullian fancied) as Mr. Yates and Mr. Ward are when they are in their pulpits, yet are they confined in their proper *ubi*, &c." Appello Cæsarem, 231.

[d] Ibid. 43.

[e] "Et quamvis præsens hæc Ecclesia Romana non parum in morum et disciplinæ integritate, adde etiam in doctrinæ sinceritate, ab antiquâ illâ unde orta et derivata est, discesserit, tamen eodem fundamento doctrinæ, et sacramentorum a Deo institutorum firma semper constitit; et communionem cum antiquâ illâ et indubitatâ

The third generall charge of matter offensive to the House consisted in two poynts. July 7. Offensive to the House.

1. In presuminge to printe this second booke in defence of the first before the same was examined and approv'd, knowinge ther was a complaint against him in Parliament, which stood referd by this House to my Lo. of Canterbury.

2. Wheras every man that makes any complaint to the Parliament is to be protected by priviledge of Parliament, both in his person and his fame, duringe the prosequution of his complaynte: hee, knowinge Mr. Yates and Mr. Warde to be the complaynants, hath publisht in printe divers revilinge and scornfull speeches against them contrary to that priviledge. Priviledge.

Three poyntes were ordered upon this reporte.

1. That the same Committee who had formerly bene with my Lo. of Cant[erbury] should agayne repaire to his Grace with thankes from the House for his paynes in this busines. L. of Cant[erbury].

2. A Sub-committee was appoynted to draw into writinge all such articles and passages in Mr. Mountague's bookes as any way tended to the disturbance of the Church or State, that so the complaynt mighte in a Parliamentary manner bee transported to the Lordes.

3. That for his offence to the House he should for the present stand committed to the Sergeante, but his further punishment respited till the complainte with the Lordes were adjudged. Mountague comitted.

The first of these indured noe debate. To the other two ther was on common exception—That one Parliament ought not to take notice of an offence committed against another Parliament; but this was quicklye supprest, the contrary course of former Parliaments upon all occasions appearinge, and in particuler Dr. Cowell's case Complaynt in one Parliament triable in another.

Christi Ecclesiâ agnoscit et colit. Quare alia et diversa ab illâ esse non potest, tametsi multis in rebus dissimilis sit. Manet enim Christi Ecclesia et sponsa quamvis multis erroribus et vitiis sponsum suum irritaverit, quamdiu a Christo suo sponso non repudietur, tametsi multis flagellis ab ipso castigetur."—A New Gag for an Old Goose, p. 50.

July 7. was aleadged; who, for a booke written against one Parliament was punisht in another.

Those who would have diverted the second, did it either by questionninge the conizance of the House in matters of Religion, or by insinuatinge, so farr as they durst, a defence of Mr. Mountague's doctrine, as beinge populer and most common, and not yet condemned by the Church of England; wherin Mr. Diat proceeded so farr that he gave much distast to the House. But the waight both of nomber and reasons were on the other side. Some insisted upon the generall ground, that the civill courtes ought to have a care of the peace of the Church; to which poynte Sir Ed. Cooke aleadged Flet[a], *Capit*[*ulo*] 1°; others, That wee did not make the complaint directly for the doctrine but for the sedition; others, That it did sufficiently appeare by the Articles what the doctrine of the English Church is, and we should desyre but justice in the exequution of the lawe, if he have publisht any thinge contrarye to those Articles; and Mr. Whitaker remembred that Garret in Cambridge was forct to make a publicke recantation of the same poyntes; and yet now Cambridge was so much infected as that he heard ther had bene a motion for allowinge of Mountague's booke by the censure of the Universitye and subscription of all graduates.

To the third some agaynst the charge: That for that part which concernd my Lord of Canterbury he was his judge and might punish him himselfe, and touchinge the House, ther was no offence, but only as it concernd the informers. To this purpose Mr. Chan-[cellor] of the Duchy—That hee tooke noe pleasure in creatinge faultes. Ill presedents are noe where so dangerous as in Parliaments. It was noe offence for him to justifye himselfe in a cause which was not judged; and to make a recantation upon my Lord of Canterbury's command he was not bound. Others against the punishment: If wee should lay any upon him before, wee shall therby abate the egerness of the Judges in that which is the principall part of the cause; for if it be small, it will not be sutable to the dignitye of the

House; if great, the Lords will not thincke good to add any more:[a] And this reason prevaild so farr, though not to exempt him, yet to respite the particuler assignation of any punishment for his contempt to the House. July 7.

Sir Ed. Cooke, to prove the contempt against lawe, did alleadge the last article of *Capit[ula] Itineris. Et similiter de his qui vindic[tam], etc.*[b] And ther was a revenge by the tongue or pen as well as by the hande.

Yet it was resolvde he should remaine in the custody of the Sergeante, with a private intimation that he might, if hee thought good, take bond for his appearance the first day of the next sittinge; by occasion wherof it was affirmed by Sir Ed[ward] Cooke that the House could not take a recognizance.

The debate had bene a litle interrupted by a message from the Lordes, who sent backe the Bill touchinge alehouses with some inlargement, wherby it was likewise extended to tavernes. The same messengers brought from them a petition to that House from the prissoners of the Fleet, desyringe some helpe by Habeas Corpus in respect of the infectious tyme, wherto their Lordships had deferd to give answere without conference with us; because they heard that wee had a Bill depending touchinge that matter. Alehouses. Habeas Corpus.

*Eodem die post meridiem.*

A Report was made upon Sir James Parrot's case, who had exhibited a complaynte agaynst the election of Mr. Hagens on of

[a] This is, I suppose, Heath's speech. Marten said, according to the Journals, "Lest intending to punish him we do him a good turn," which probably was to the same effect. Mr. Forster (Sir J. Eliot, i. 257) quotes from Eliot's MS. the speech of some one not named, who argued that the House should pause "lest contrary to their meaning it should prove not a punishment but a preferment." Eliot perhaps allowed his narrative to be coloured by his subsequent knowledge. The turn given to the words in the text corresponds with that given in Pym's report in 1626 in the Appendix.

[b] Cap. 4, in the Articula Itineris, as printed in the Statutes of the Realm, i. 236. "*Et similiter de hiis qui vindictam fecerint eo quod si aliqui super predictis gravaminibus in Curiâ Domini Regis conquesti fuerint.*

July 7. the knights of [Pembrokeshire].[a] Two exceptions were alleadged

Misdemeanors before and at the tyme of election. at the Committee: 1. of misdemeanors precedent to the election, viz.:—false rumors of Sir James Parrot's death, threatning, &c.; 2. misdemeanors concomitant with the election, the freeholders that stood for Sir James Parrot beinge interrupted and refuced; but nether of these two poyntes were prov'd at the Committee by the playntiff.

Sherriffe out of comission by the King's death. A third exception was now propounded in the House, the disabilitye of the Sherriffe to exequute the writte, his commission not havinge bene then renewd since the Kinge's deathe, and it was doubted whither the proclamacion which did establish all officers in the exequution of their offices would inable him to this purpose. It was desyred on the on parte that the cause might be dismist for want of proffe (although Sir James alleadged he had very sufficient witnesses to both poyntes, if he mighte have tyme to bringe them up), on the other parte he desyred judgment upon the last poynt.

The takinge into consideration that this exception might extend to very many elections, and were a poynte of greate consequence in other respects: on the other side, to give a newe daye after a hearinge and examination of witnesses, was to make a presedent for supplementall proffe, and would be a meanes to delaye the endinge of causes, remained a while in some doubte till it was propounded:—

Hearinge *ex parte.* That hearinge to be only *ex parte;* for the playntiffe mighte informe the Courte that hee had *probabilem causam litigandi*, and soe they might resolve to reteyne the cause; but it was never intended to be definitive, for in justice (whatsoever Sir James should have proved) wee could not have denyed the Sherriffe a tyme for defence; wherupon it was resolved that a new day peremptory to both sydes should be assignd.

Royall Assent. An Act for continuinge the Session notwithstandinge the Kinges Royall Assent.

[a] Blank in MS. In the journals the name is Wogan, and the Shire is given as Monmouthshire. Wogan however sat for Pembrokeshire, and that this is the County intended is plain from the mention of Sir J. Perrot, who sat for Pembrokeshire in the last Parliament.

Divers exceptions were propounded against this Bill. Mr. Rolles, that it was against the ancient course; would induce a greate inconvenience by the continuinge of priviledge (which, as Sir H. Martin affirmed, the subjects in 18°[a] fownde to be a worse burden then the subsidyes). That it would prevent the subjects in there expectation of a pardon, and all this without any fruite; for nothinge is gotten but the forwardness of divers Bills, which need not be read againe; and this wilbe rather mischeivous, because the effect of those Bills wilbe out of memorye. July 7. Continuing of Session during a long recess.

Mr. Glanvill. Acts are ours[b] whilest wee are together, but after wee have past them[c] Judges have the interpretation of them. Divers mischeifes were fownd in 18, which the Parliament did not foresee. To recommitt ingrost Bills wilbe a dangerous president.

Mr. Sollicitor on the other parte. That if wee made it a Session, the expectation of the Cuntrye would be greater then if it were only an adjornment; and wee shall have a more seasonable tyme thearafter to give them full satisfaction. So the Bill was past.

Mr. Chomlye in behalfe of his father the Sherriffe of Yorkeshire desyred the direction of the House in three poyntes, wherof he doubted, 1. Whether such as come after 11 a clocke may have voice? 2. Whither he may examine the party upon oathe in this or any the like case, except only that which is mencioned in the stat. 8 H. 6, c. 7? 3. Whither for better dispatch in polinge such deputyes as he shall make may take these oathes? Sherriffe's duty at elections.

After some debate upon these particulers, wherin ther was variety of opinions, it was resolved upon the proposition of Mr. Litleton and Sir W. Pye to leave the Sherriffe to be advised by his Counsell, it not beinge our office, as wee are a Courte of judicature, to make or to declare the lawe in cases not yet in beinge; and if wee should proceed otherwise, wee should bringe orders to be in the nature of Acts of Parliament.

[a] Referring to the adjournment over the summer in 1621.
[b] A. [c] A.

## 8 July.

July 8. The Bill of Subsidy was paste and sent up to the Lordes.

Subsidy. A conference agreed upon with the Lordes concerninge the
Habeas Corpus. petition of the prisoners for Habeas Corpus.

Sir John Cooke. Sir John Cooke, by commandement from the Kinge, To give the House trew informacion of his Majestie's estate, as he doubtes not but we came together with trew affections; and that his Majestie graciously accepts the guifte which is already resolvd off, as a welcome and pledge of the love not only of this representative body, but of the whole kingdome: yet hee takes notice of our anticipation of that businesse, and that wee fell into it without intervention of any ministers of state, which hee imputes to our forwardnes in his service, and confidence in his favour and correspondency with us.

That his Majestie is very well satisfyed in our care and diligence to examine the accompte, not doubtinge but wee shall fynde that not a penny of it hath come into the Exchecquer, or diverted to any other uses but such as were entended. And as the generall hedds
Accompt of Subsidyes. cannot be excepted against, so he hopes the particuler disbursments will appeare to have bene well and necessary disposd, and the fruite to be as greate as the expences. Ther hath bene disbursed for Ireland to confirme the peace of that Kingdome 32,000li. For the Navy (the preparation for the enterprise now in hand not computed) 37,000li. The office of the ordinance and fortes 47,000li. For the supporte of the regiments in the Lowe Countryes 99,000li. The charge of Mansfeildes army 62,000li.

Mansfeilde's imployment. And because from that last business had growen some doubtes, he was commanded to give a more particuler accompt of it.

His late Majestie lovinge peace and hatinge warr, when he sawe how ill hee had bene usd, that the power of the contrary partye had almost overspread Christendome, and his owne people discontented at his seeminge backwardness in this cause, yet consideringe the three Subsidyes wee had given (thoughe a Royall guifte)

would only inable him for a while to secure his owne, and that in the end hee should growe from a lingeringe ague to a burninge feaver, and by sufferinge the enemyes to injoye that which they had gotten, and by degrees to fret upon the other Princes of Germany, this only would ensue, that (like Ulisses by Poliphemus) he should be last devoured: he negotiated and concluded a stronge confederacy with the Kinge of Fraunce and Denmarke, the state of Venice, D[uke] of Savoy and Lowe Cuntryes. This first appeard in the army beyond the Alpes,[a] and in Mansfeild's army. July 7 8

Some faultes ther were in those troupes whilest they were at Dover which cannot be excusd, yet Mansfeild complaynes that wee sent him such men as would be kept under noe government. But it is objected:—Wherefore was C[ount] Mansfeild, a stranger, chosen to lead those troupes? The answere is:—That they consisted of English, French, and Dutch. If an Inglish man had bene appoynted, the Frenche would have bene discontented: so would the English under a Frenchman. If severall commanders, precedence would have bred some difficultyes, therfore no man was soe fit to be Lieutenant as such a on as was indifferent to both. Another objection is taken from the event of these troupes. But whosoever measures thinges by the event is no equall judge. It is trew that the charge of the designe caused some delay and impeachment of that good effect which was hoped; yet they have not bene altogether unprofitable, for the appearance of that army, kept divers Princes of Germany from declaringe themselves for the enemye.

His Majestie rests not heare, but hath commanded to give you an accompt of that which is and wilbe spent upon the preparation now in hand. The charges of this fleete, only in the office of the navy, is above 20,000. In the office of the ordinance 48,000; for the land men wilbe 45,000li; wherof the two subsidyes which are now given will amount but to 160,000. But this is not all: he is to pay the Kinge of Denmarke 40,000li to draw him into Germany, besydes a The fleete.

[a] The attack upon Genoa by the Duke of Savoy and the French.

July 7. monethly payment of 20,000li,[a] both to him and Mansfeild with which businesses he cannot goe thorough without farther help by Parliament, or els some new waye; the ordinarye revenewe being exhausted and overchardged with other expences both of necessitye and honor.

The Kinge, when he was Prince, borrowed 20,000li for these provisions, my L[ord] Admirall hath ingaged all his estate, other ministers have furnished above 50,000li. Shall it be said that these men are left to to be undone by their readiness to publike servises? Shall wee proclaime our owne povertye by lossinge all that is bestowed upon the enterprise, because wee cannot goe thorough with it? What shall wee saye to the honor of the Kinge? But this is not all: even the establishment of his Majestie in his royall throne, the peace of Christendome, the state of religion, depends upon this fleet.

The adversaryes deliver very insolent speeches ever since their takinge of Breda. The French incline to a civill warr, they brandle in Italie, and faynte as their forefathers were wont to doe after the first heate of an enterprise. Our Jeronan[b] forces have kept the Catholicke league from assemblinge at Ulme, to the full rootinge out of the Palatine and ruininge all other Protestants. What have wee to reunite the Princes, to encorage the French, to support the States, to oppose the Catholicke league, but the reputation of Mansfeild's army, which hath put them to great charge, and the expectation of his Majestie's preparations? Shall it be said that by [the] forsakinge [of] his subjects[c] hee hath bene forced to abandon religion, to seeke for a dishonorable peace? It is impossible for these thinges to subsist but by mony or creddit. A present resolucion for mony is not expected. It remaynes wee should give thanckes to his Majestie for his care of us by ingaginge himselfe so deeply, and wherof he thought fit wee should goe trewly informd into our cuntryes, that so wee may the better satisfye the people, and

[a] It should be 30,000*l.* to the King of Denmark and 20,000*l.* to Mansfeld.
[b] German.
[c] "by forsakinge his subjects." MS.

in the meane tyme it is requisit we should expresse our owne affection to the busines now in hande, and that when wee retorne againe wee are willinge to releeve his Majestie in some farther proportion: and whether this be fit to be kept within the walles of the House, and not by some publicke message to the Kinge, or other signification, to declare our forwardness to supply the actions now begune, hee humbly left to the wisdome of the House. July 7.

This motion was seconded by none but by Sir W[illia]m Beecher, who gave this reason, that publicke contribution, granted by publicke authoritye, and spent upon publicke afaires, never hurt the Kingdomes. This last yeare ther had bene greater burdens of contribution then ever before, yet wee fynde not the stocke of the Kingdome decaye, for more comoditye have bene exported then in former yeares.

Those that spoke against it were Mr. Litleton and Sir Ed[ward] Giles. The disposition of the House did so fully appeare, that Mr. Sollicitor (desperate of bringinge it to effect) took care only to lay it aside quietly, which he did in a short speech, that in the Act of Subsidyes, and that of Tunnage and Poundage, wee had sufficiently exprest our affections.

No man ought to speake in this House but as if the Kinge of Spayne did heare us; and it is enoughe if wee make it but appeare that, whensoever wee meete, wee shall bringe with us the hartes of trew Inglishmen.

Sir George More made a reporte from the Committee of Priviledge concerninge a petition delivered by Mr. Basset, beinge a prisoner upon mean prosess, at the suite of his owne father, who by practice with Sir H. Elmes had brought an action against him for a greate some, wheras indeed nothinge was due, that so his freinds might be afrayde to bayle him, and they by imprisonment might draw from him some releafe or other conveyance of land assured to him: and since his imprisonment hee was chosen a Burgess for the Parliament. Mr. Basset.

The opinion of the Committee is that hee ought to have Election of a prisoner upon meane process.

July 7. priviledge, to which they were induced by consideration of the presidents.

Sir Wm. Bamfeild committed by my Lord Chauncellor Ellesmere, afterward chosen, was released upon a message. Triwynwood's Case[a] H. 8 and Mr. Brewston, Eliz. who was restrayned upon an action of acompt. And of these reasons, that upon baile he might have bene releassed. That it doth not concerne him alone but the publicke service.

Mr. Langton delivered a petition from Sir R. Basset, and the business was debated in the House and some other reasons and presedents were urged for his priviledge.

If he be well elected, no doubt but hee must serve; and to voyd the election ther is nether statute nor common-lawe; and ther is great difference betwixt an exequution and a meane process, for in that case the Sherriffe is lyable to escape but not in the other.

In the tyme of H. 3, the E. of Cornwall was cited as he was goeing to Parliament, and the party was fyned 2,000li. Before 1° Jacob. the party without remedy, and therfore the case of an exequution was provided; but ther needed not any provision for this case, because the plaintiff is at no mischeiffe, because hee may bringe a new action. 34 H. 4, in Farrer's case the House was divided, and the party helpt by Bill.

The meane process is but an accusation, no trew debt. 1 H. 7, fol. 10.

If in this case wee doe not allowe priviledge, wee shalbe sure in all elections, where ther is competition, to have arrests upon great actions of on side or other. Beside the same reason will extend aswell to those who are bayld, as to other; for in the eye of the lawe they are in prison, and the bayle is only to the Sherriffe, therfore, the Defendant in all actions in the Kinges Bench is to be in *Custodia Marescalli*, etc.

Against his priviledge, that the lawe makes his body liable as well to the action as to the exequution, which cannot be taken

[a] A, "cases," MS.

awaye without wronge to the subjecte; especially seinge that the law hath not provided for his releife, as in the case of exequutions. July 7.

None of the presidents fit with this case. Triwinwoode was taken after he was a member of this House; Breweston after a Session of Parliament, wherin he had served; Sir W[illiam] Bamfeild for a contempt which might be remitted without prejudice to any. If this be allowed, wee shall empty the prisons and fill the Parliament with such members as will take more care how to shift off their owne debts then to provide good lawes for the Commonwealth.

But the House confirmd the opinion of the Committee, and that a warrant must be made to the Sergeant to fetch him out of prison, and to bringe him to be releast at the barr.

A message came from the Lordes signifyinge that it was the King's pleasure to receive the petition concerninge religion this afternoone at 3 a'clocke, for which service a Committee of xx^ty^ was named, to joyne with the Lordes, and to wayte upon his Majestie at Hampton Courte. Petition for religion.

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## 9 July 1625.

It was ordered that no new matter should be receyv'd into the House; and to send to the Lordes to knowe when they would be ready to adjorne, and so upon notice from them to send to the Kinge. July 9. Adjornment.

Mr. Solliciter reported the delivery of the petition concerninge religion to the Kinge, and his Majesties answere. It was presented with a short introduction by my L[ord] President,[a] expressinge the joye and thankes of the Lords and Commons that their last petition conserninge the faste was so speedily and effectually graunted; and that his Majestie had been pleased to grace that solemne assembly with his owne royall presence, to which the Kinge made this retorne:— Petition for religion.

[a] Viscount Mandeville.

July 9. The King's answere.

My Lordes and Gentlemen, I am very glad to see you so forward in religion. I assure you you shall fynde mee as forward as you can wishe: your petition is long and of many parts, to which you do not expect a present answere, but you shall shortly heare from mee. I understand your House growes very empty. I desyer till you receive my further answer you will keep together.

His Majestie's message touching Mr. Mountague.

After this, his Majestie called Mr. Sollicitor aside, and told him that hee hearde of our proceedinge with Mr. Mountague, who was his chaplayne in ordinarye; and the cause he had taken into his owne consideration before his appearance heare. Mr. Sollicitor answered that Mr. Mountague did not alleadge so much for himselfe, and that it was hardly knowen but to very few in the House. His Majestie replyd he did beleeve, if wee had knowen it, wee would not have proceeded in that manner. Now hee wisht wee would sett him at libertye, and that hee would take care to give the House satisfaction in the business. Mr. Solliciter told him the comittment was for contempts to the House, and his Majestie desired to understand the particulers, wherwith when the Sollicitor had acquainted him and [a] smild without anye further replye.

Imposition upon wines.

Another petition was delivered at the same tyme concerninge the imposition upon the wynes, to which his Majestie mad this answere, that hee did marveyle wee should press that matter so much, seeinge it was designed by his father to the maintenance of the Q[ueen] of Bohemia, and so continued by him; never the less hee would take consideracion of it, and shortlye give us answere.

Recess.

The Lo. President did privately signify our readiness for the recess. His Majestie answerd, hee would take course likewise to be readye, and sent for Mr. Attorney to that purpose.

Mountague.

The question concerninge Mountague was quickly setled accordinge to the motion of Sir Nathaniell Riche, that to give his Majestie satisfaction, Mr. Sollicitor might informe him that it was the opinion of the Commons, that the booke is a seditious and seducinge booke, and deservd a publicke censure, but that wee

[a] So, MS. and A.

should not release him, only enter [a] an order for the Sergeant to let him out upon bonde. July 9.

Disbursments by the cuntry for keeping prest soldiers.

Sir Tho[mas] Midleton informd the House that, wheras wee had made an order that the mony disbursed by the severall countyes for pressinge and keepinge of soldiers should be repayde by the treasurer before any other payments to be made by them, by the Act of Susbsidye they could pay no mony but by warrant from the Consell of Warr, and had received no warrant for the payment mencioned in that order; but for divers other services they had receyved directions, and could not withhold the mony without much clamor; which motion was further prest by Sir R. Pye in the particuler of Burlimarke, who was much in debt for the Kinges service, and like to receive great prejudice if his payments were stopt. (But nothinge was done upon this motion.)

Stewes.

Mr. Jorden for some punishment upon the party who stood committed for speakinge words against the Parliament, for makinge the Bill of swearinge. He mov'd further for some course to reforme the publicke vic[e] of stewes.

Touchinge the later part of this motion, himself and 3 or 4 more were ordered to make knowen the complaynte to my L[ord] Cheif Justice, that it maye please him to take some speciall care for the redress of these disorders.

Recess.

The Lo[rd] Cavendish reported a double conference with the Lords. The first touchinge the recess, which began on our parte, wherin he made knowen to them that wee would be readye against Monday. They replyed that without debate their House did fully consent with ours, and undertooke, if wee left it to them, to acquaynte his Majestie with it.

Habeas Corpus.

The seconde began from [b] the Lordes, wherin it was declarde that their House was very tender in givinge their consents in any matter which was under consideration before us, but they had receyved a petition from the prisoners in the Fleete for *Habeas Corpus* in this tyme of infection which was full of danger; and their Lordships'

[a] A. [b] A.

July 9. opinion was that the lawe of necessity did plead for an answer to this petition, against which ther is no lawe.

The petition was read in the House.

Sir Tho[ma]s Fanshawe. *Habeas Corpus* against lawe, and a [mere][a] escape. The *Teste* in Trinity tearme. The writt to bringe A. B. before the Judge in Michal[mas] terme. The keeper by law is tyed to the nearest way, but now they are to goe whither they will. To recommend it to the Lords to doe what may be done by lawe, and to consider what were done the last great plague.

Mr. Rolles. The law is cleare, adjudged in the King's Benche 24 H. 8. 4 and 5 H. 6. it was propounded if the State had great use of a party in prison for debt, whither hee might not be taken out? The resolucion was, it could not bee. 13 Eliz., by consent, on was permitted to come abroad who was in prison upon an exequution for the King and a common person, and it was made to be an escape. Therfore not to give our consent that the Judges should doe a thinge against law. 13 R. 2, all kind of ease prevented, and that prisoners should not be removd from on prison to another.

Sergeant [Ashly].[b] To carry any man by *Habeas Corpus* in any other manner then the lawe doth appoynt is an escape. Therfore to consider whether in this case wee may not shew our respects of other mens lives without makinge any declaration against the lawe. If the prison were on fyer it were noe escape, and in this case the lawe may be interpreted by the same reason; neither is it fit, if the *Habeas Corpus* be allowed, that the keeper should take such fees as they usually receive.

Mr. Taylor. Ther is noe discretion against lawe.

Mr. Duck. Not to be charitable of other men's estates. If the partyes will consent they may. No minister of state can be delivered upon a privy seale; but no doubt they may be removd by warrant of the great seale; and if the Sherriffe abuse the warrant he is punishable; but if wee consent to such an order as is desyered,

[a] A. [b] A. "Asly," in MS.

we shall countenance that which hath bene complayned of over the whole kingdome. July 9.

Mr. Whitby. This is no tyme to take away the abuse. *Necessitas inducit privilegium.* To make no answere, but leave it to the Lords.

Mr. Recorder.[a] Not to let it passe without deliveringe our opinion that *Habeas Corpus* abusd in such manner as they have bene are against lawe and an escape. 2. If the creditors consent, it is a barr of the debt for ever. 3ly. An order to agree upon that which is against lawe, wilbe a presedent of great danger. 4. Not to leave to their discressions or any arbitrary course in the Lordes' House, which will object them to envye if it be denyed, or els in the consequence prove very hurtfull if it be granted. 5. Their rests only this way by a short Bill to enact that for this tyme it shalbe no escape.

Sir Ed. Sandes. There is noe other way to preserve the law, and yet to shew mercy, but only let the Lordes know that if they frame a Bill wee will pass it.

Lo[rd] Cavendish. To give the Lordes thanckes for their fayer proceedinge with us.

Sir D[udley] Diggs. The tyme to short to redress it by lawe.

Ordered for the conference, with these poynts of direction. 1. Thankes to the Lordes. 2. That wee had received divers complayntes of the abuses of the *Habeas Corpus*, and have a Bill dependinge for remedy. 3. The opinion of the House that to use them as hath bene practised of late, if without the creditors' consent, is an escape; if with it, a discharge.

It was doubted by the Lordes (as they signifye by a message) concerninge the Bill for adjornment, [which][b] conteyned that the Royall assent given before the adjornment should not determin the Session, whither the lawe would intend any priority if the Royall assent and the adjornment should be both in a daye. Adjornment.

The Bill of Drunckennes passed with the amendment inserted by Drunckenes.

[a] Sir Heneage Finch.

[b] Blank in MS.

July 9. the Lords to extend it to tavernes aswell as to other victuallinge houses.

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## 11° Julii 1625.

July 11. An Act to enable Ministers to take leases.

Ministers to be enabled to take leases. Divers cautions were desyered to be applyed to this Bill :—That it maye not extend to any leases of colledges. 2. Not to any minister that shalbe non resident or have two benifices. 3. That they may be stinted to a certayne valewe. 4. Though the interest be in them, yet they may occupy no more then wilbe sufficient for their house keepinge, least they become farmors. The Bill was committed the 2[d] daye of our next meetinge.

Subsidy cleargy. A message from the Lordes with a Bill confirminge the graunte of 3 Subsidyes by the Cleargy, which was reade.

Subsidy of the layty how to be presented. It was agreed to be the custome that we ought to send for the Bill of subsidyes by the layetye, and the Speaker to carry it up.

Subsidy of Tunnage and Powndage. Concerninge the Bill for the other subsidyes of Tunnage and Powndage ther were a question made ; but it was not resolvd, because the House was informd that that Bill was not past.

Petition for recess. A message from the Lordes that the desyer of both Houses hath bene represented to his Majestie concerninge our recess, and they have receyved his answer, which they are willinge to imparte to this House, and for that purpose have appoynted a Committee of fower to meete with a proportionable number.

His Majestie's answere touchinge the recess. The conference was granted and presently dispatcht, and reported by Sir Ed[ward] Cooke to this effect :

My Lord President on the behalf of the Lordes told them that, as they had joynd with us in the representation of both our desyres to his Majestie, so they were desyerous to impart to us the success. His Majestie consideringe our danger, his owne necessitye, and paucity of our nomber, did preferr the respect of our safty before his owne great business, and was pleased ther should be a recess this day ; the

particulers of the tyme and place of our meetinge agayne, wee should presently understand by my Lorde Keeper. July 11.

Upon the motion of Sir Ed[ward] Cooke seconded by Sir John Eliot, it was ordered that the House should be called the fowerth day of our next meetinge, and those that should be absent to incurre the censure of the House. Calling the House.

A message from the Lordes that they have receyved his Majestie's letters patents for the Royall assent, and likewise a commission for adjornment.

Sir Jo[hn] Cooke. That what he spake yesterdaye was not arbitrary, but upon his Majestie's commande, from whom he had now received another message by Mr. Secretary, that, though out of his tender care of our healthe he had given way to a recess, yet his important occasions concerninge his owne honor and estate and the estate of Christendome doe require our meetinge very shortly, when he will more freely open himselfe to us. Message from the K[ing] touchinge the recess.

Sir Ed[ward] Cooke sent to the Lordes to let them knowe that the House would be readye to come up with the Speaker to the readinge of the commission for his Majestie's Royall assent; but at the readinge of the commission for the adjornment, wee did not thincke fit to be present, because of our custome to adjorne ourselves in our owne House. Comission for the royall assent.

The Bill of Subsidye was anext to the commission for the Royall assent, as all the other Bills were; and soe could not be presented by the Speaker, but it was moved that hee should intimate that custome in some short speech to the Lordes, which (he and the Commons repairinge to the Upper House) was accordingly performed.

The Lord Keeper in a message from his Majestie tolde us that, to our petition concerninge religion, wee should receive a new particular answere, and, in the meane tyme, by present exequution of the lawes, would make a reall, rather then a verball, answere to our contentment, and the contentment of all the kingdome. Petition for religion.

Concerninge our adjornment, he had appointed the place to be Oxforde, the tyme the first of August. Adjornment.

July 11. Royall assent. The commission for the Royall assent was read, directed to the Lordes spirituall and temporall, and to the Knights, Cittisens and Burgesses assembled in Parliament.

The lawes to which his Majestie gave assent were these:

1. An Act
2. An Act
3. An Act
4. An Act
5. An Act
6. An Act
7. An Act
8. An Act for confirmation.
9. An Act for the continuance.[a]

Comission for adjornment. The Lord Keeper declared further, that he had received another commission from his Majestie to adjorne the Parliament to Oxforde, and to the first of August.

The Speaker and the Commons returne to their owne House; and the Speaker pronounct the adjornment thus:—The House doth adjorne it selfe to Oxforde upon the first daye of August next.

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## 1° Augusti. At Oxforde.

August 1. Pardon to a Jesuit. The House mett, not many in nomber, and very late in the forenoone; so that nothinge done of any moment, only upon a complaint was made of a pardon given to a Jesuite, and to others taken at Exetor, which pardon beare date the next daye after wee had received his Majestie's first answere touchinge religion, and it was informd that it had ben obtaynd by the mediation of the French Ambass[ador]; by occasion wherof Sir H[enry] Martin spoke of the disadvantage which wee have ever received by

[a] As only seven Acts are to be found amongst the Statutes, two of the number given above must have been private Acts.

Treatyes and Ambassages, and that wee were not now in a course of better successe imployinge so younge men as wee did. August 1.

A Committee was appointed to drawe a petition concerninge that pardon.

The E. of Dorset's Bill committed, was appoynted to be examined by the Committee this afternoone in the [physic][a] schooles. 2d August. E. of Dorset.

Two other Bills, vz.: Against secret offices and for restraynte of *Habeas Corpus*, appoynted to be sat upon in the same place. Secret offices. Habeas Corpus.

The Act against symony and corruption in the elections of colledges committed, was now ordered to be handled this afternoone in the morall schooles.

The busines of Mr. Mountague was calld upon and the last order read, the Sergeant commanded to bringe in his prisoner made answere, that hee had taken bonde of him to appeare the first daye, and had received a letter from him (which was now read) conteyninge an excuse of his not comminge by reason he was sicke of the passion hippocondriacall. Mountague.

Sir Ed[ward] Cooke spoke of the danger that growes by divisions in matters of religion, recitinge the censure of Tacitus upon the old Brittaines, *Raro conventus ad propugnandum commune periculum; dum singuli pugnant universi vincuntur*, findeth fault with the course now used for every particuler man to put out bookes of all sortes: wisheth that none concerninge religion might be printed but such as were allowed by the Convocation. The danger of his offence and

Sir Rob[er]t Phillips insisted upon the inconveniencys which springe from the usuall facillity of our proceedings with offenders; wisheth us to deale more roundly in this, and that he may be presently sent for by the Sergeant; to divert which Mr. Sollicitor remembred the Kinge's message that he was his servant, and the cause taken into his owne care; and advised first to send to his Majestie to acquainte him with the danger, and no doubt but wee shall have leave to proceede; which Mr. Alpharde of our lenitye to which the Kinge's message is

[a] Commons' Journals, i. 809. "Plasc" in MS.

August 2. opposd and the priviledge of his Majestie's service but overweighed by respect of the priviledge of Parliament.

oppos'd by puttinge us in mind of 2 or 3 late ill presidents of dismissinge causes upon messages. The complaynte for Irelande 18:[a] the busines of Virginia, and the punishment of Sir Simon Harvy in 21.[b] All Justices of Peace, all Deputy Leiutenants are the King's servants, and indeed no man can committ a publicke offence but by color and oportunity of publick imployment and service to the Kinge: so that, if wee admit this, wee shall take the way to destroye Parliaments, which opinion he confirmed by a president,[c] Eliz. in question[ing] Mr. Browne, when the same objection was made, and overruled.[d] Sir Franc[is] Seymour added that the Kinge ought not to take no notice what we doe, and Sir G. Gerrard[e] remembred the case of Sir Tho. Parry, 1° Jacob.[f]

Mr. Wentworth. That for any offences conteyned in his booke wee might proceed against him in his absence. He insisted cheifly upon the abuse of the Bible, paralellinge it with that of tramplinge upon the Bible at Canterburye. Both which, if they were not punisht by authority of private faults, would become publicke, and thoughe it be at no tyme fit to provoke the wrath of God, yet much less at this tyme, when we are all as it were makinge our wills, beinge already under his hande. Divers greate Princes have bene famous for their respect and honor to the Bible. Theodos[ius] writ out of the New Testament with his owne hands; [Alfred][g] read over the Bible 14 tymes; Lewes the Saint, beinge demanded where the place of his greatest honor was, did not name the place where he was crowned, but where he was made a Christian, and is comended for a diligent reader of the Bible. Queene Eliz[abeth], ridinge in state thorough the Citty at on of the pageants, was

[a] 18 Jac. I. [b] 21 Jac. I. [c] Blank in MS.

[d] So A.—overruled by Sir Francis Seymour added.

[e] "Sir Geo. Garrett," A. Willis gives Sir William Gerard as Member for Middlesex. The return for Middlesex to this Parliament has not been preserved.

[f] So, too, A. But the reference is doubtless to 12 Jac. I. See Commons' Journals, i. 477, 478, 480. Parry, as Chancellor of the Duchy of Lancaster, had interfered with elections.

[g] "Alphed" in MS. and A.

presented with a Bible, which shee[a] clapt to her harte; and, as his Majestie's pyetye doth interest him in the like honor, so no doubt but he wilbe very senceable of the reproche which this man hath done to the Bible, when he shalbe informd of it. August 2.

Sir Robart More argued the question at large, touchinge the fallibility of grace accordinge to the distinction of the schooles of the antecedent and consequent will of God.[b]

Sir John Eliot. Not to send for a man that by intendment should be in custody, but to comand the Sergeant to bringe him forth at his perill.

Sir Ed[ward] Cooke (havinge spoken before, yet beinge permitted contrary to the orders of the House to speake agayne). That the priviledge of the House of Commons was the hart strings of the Commonwealthe. We are the generall inquisitors, but for the poynte of doctrine not to judge but to transfer: *pro defensione Eclesiæ*,[c] given as on cause of callinge Parliaments in all the ancient writts; and when both Houses have done their dutyes, it will come to the Kinge at last. 18 H. 3, the Parliament beseech the Kinge not to pardon those who were condemned in Parliament. So Ed. 3, John of Gaunte and the Lord Lattimer were questioned for givinge the Kinge ill counsell. No man, not John of Gaunte himselfe, is to be excepted. Many men (and I my selfe) will speak in Parliament that which they dare not speake otherwise.

Mr. Drake. Arminianisme more dangerous then popery, because wee are more secure of it; it is hardlier to be distinguisht, and ther is no law againste it, though it be not only contrary [to] the articles of the Church of England, but of all other reformed Churches; for the Nationall Synode of Charenton was confirm'd by that of Dorte.

It was inform'd that Dr. Annian was appoynted to preach to-morrow,[d] wherupon Sir Thos. Edmunds and Sir Jo. Brooke, Dr. Annian.

[a] A. "they," in MS.

[b] This speech is omitted in the Journals, the clerk perhaps thinking it irrelevant.

[c] A.

[d] On the fast day.

August 2. Burgesses for the Universitye, were sent to the Vice-Chancellor, that the House would take as an affronte,[a] that a man against whome they had receyved proffes of very fowle crimes should be admitted to that service in their presence.

Bookes of the faste. It was complayn'd that the bookes of the fast were not sent into the severall dioces, accordinge to the instructions ; and that excessive prices were demanded for them.

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## 4 Augusti 1625.

August 4. Mr. Speaker acquainted the House with the Kinge's pleasure to attende his Majestie this morninge in Christ Churche Halle.

Sir Walter Pye[b] desyred leave to goe keepe the Assises, because his partner was dead.

Prevention of laps by Sir Ed[ward] Cooke reported two Bills: the first was for the quietinge ecclesiasticall persons and safty of patrons; the effect wherof was this:—By 31 Hen. 8 for pluralityes and dispensations no patron can be sure from a laps, as it is now interpreted.

defalte of qualification. The qualification ought to be under hande and seale, but the patron can have no notice whither any man to qualifye more then his nomber; in which case that lawe makes the presentation and induction voyde, as if the incumbent had resigned or were dead. In my Lord Diar's tyme, it was adjudged that it should be interpreted as dead, in which lawe the Ordinary is not bound to give notice, as he ought in case of resignation, *Indiccium* [?] *sequitur pejorem viam.*[c]

Ordered to be ingros't.

Restraynte of Habeas Corpus. The second was for the restraynte of *Habeas Corpus*, wherin the Committee made three alterations. 1. To make it extende to

[a] A. [b] Attorney of the Court of Wards.

[c] So, A. "Indictum sequiter priorem vians," MS.

exequutions upon statuts and recognisances, wheras before it reacht only to judgments. 2. That they maye be graunted in the terme tyme for 5 dayes, and noe longer; and in the vacation as *testificandum*, and no tyme allowed but to goe and come. 3. Because the penalty is heavy, beinge the incurringe of a *premunire*, it was not neade to extend to such as shalbe removed by *Habeas Corpus* out of cuntrye prisons. August 4.

*Coram Rege* a[t] Christ Church.[a]

Before the Kinges cominge, the Speaker and divers of the Commons put on their hats, notwithstandinge the Lordes were set, observinge some difference betwixt the ordinarye meetinges in the state of a Committee and this where we were in the state of a House. Meetinges with the Lordes.

The Kinge, in a shorte speach, declared the ingagement to those greate affayres, wherin wee did partake with him, his good acceptance of our late guifte, the impossibilitye he had to goe thorough with soe many great affayres as were now in hande without further helpe. Hee knew it was a tyme of danger, and lefte to us to consider whither was greater, the danger of the sickness or of the reputation of the kingdome. For the great preparations he had made, though they had cost him great somms of money, yet it were better halfe the shippes should perish in the sea then that the fleete should not now goe out. Hee concluded with telling us that in two dayes wee should have a particuler answere to our petition for religion. The Kinge's speech. urginge a further supplye and necessity of the fleete goeinge.

Mr. Secretary[b] recited the difference betwixt the state of affayres now and when the late Kinge begann first to thincke upon armes. Mr. Secretary.

[a] "About nine of the clock, Mr. Speaker, with the House, attended the King accordingly; and, there staying about two hours, they returned according to the former order."—Commons' Journals, i. 810.

[b] Lord Conway. In the report in the Lords' Journals (iii. 471), Coke's speech alone is reported, though the words before it appear to imply that the substance of both is given.

August 4. Concerninge the alteracion of the forraine affaires and

Germany was then almost wholy possest by the force of Spayne; the Kinge's children thrust out of their inheritance; wherupon his Majestie began to consider what he could doe of himselfe, what freindes he could drawe in, in Fraunce, in Germanye, in Italye, to maintayne a warr in Germanye. A computation beinge made, was fownde would come to 700,000li per ann. Therupon he began to provide his shippinge. This made the Princes in Germany to growe warme, France, Venice, and the Low Cuntryes to come into a league with him. The Kinge of Fraunce sends an armye towards Italye; wheras before the Kinge of Spaine and he were before about to come to a particion of the Valtoline.

his Majestie's confederates and

great expences,

All this hath not bene without charge. His Majestie is to contribute to the Kinge of Denmarke for the raisinge of an army 30,000li a moneth. The company for Ireland are reinforct; the supply of the Low Cuntryes continued. The fleete hath cost a great mass; ther wants more, without which it cannot goe to sea, and, if it should soe fall out, it will discourage those Princes. The tyme of the yeare is almost past, the officers are discredited by reason of the infection, all that you gave last is employed. They are disappoynted of 30 or 40,000li at this instant.[a]

with the importance of this action.

The honor and safty of this nation and religion are at the stake: if wee now growe colde, the Princes of Germany will devide, the Kinge of Fraunce come in as a partye to the Catholicke league; the Kinge of Denmarke make his peace with the Emperor; which difficultyes his Majestie, fynding an impossibilitye in himself to remove, hath resorted to the helpe of his subject, which his ancestors have always fownde ready in the like cases.

Sir Jo. Cooke.

Sir Jo. Cooke was called up to the Kinge, and privatly received from him some short instructions, and then returninge to the middle of the hall entred into a large discourse, how the late Kinge at the suit of both Houses, with the co-operation of his Majestie and the

[a] "Wherein he said there wanted some thirtie or fourtie thousand pounds to doe the worke; the officers being discredited by the sickness, and without which the fleet could not goe out."—Eliot, Neg. Post.

Duke of Buckingham, gave his consent to breake both the treatyes, August 4.
and that it was therefore seen that a warr would ensue, ther beinge no other meanes to vindicat the injury receyved in the Palatinat, nor to moderate the greatness of the Kinge of Spayne, who, proceedinge in his conquest under color of the Catholick cause, will make himselfe a Catholicke Monark, which is the title he aymes at.

His Majestie wisely consideringe the danger of this change, both in respect of his owne people unprepared for warr, and long inur'd to peace, and in respect of the advantage which other Princes might make, if they should presently discover the necessity of his ingagement, did forbeare to show himself; but suffred himself to be intertayned with new propositions of a recovery by mediation, and by degrees to be brought about to that which he entended; omittinge nothinge in the meane tyme which might settle his affayers.

The Palatinate was in possession of the enemyes, who devided it by consent, secured it with a great armye, overrun other Princes contrary to these courses, cald a Dyet to shut out all possibility for the Pr[ince] Palatine or his issew to be restored. In Fraunce the King rather inclininge to sheath his sword in the bowells of his owne people. In the Low Cuntryes great dangers by many armyes, and the government interrupted by a new faction of Arminians.

His first care was to encorage the Low Cuntryes by lendinge them 6000 men and pay for two yeares upon a covenant of repayment. 2. To make a union with Fraunce by a matche for his Majestie that now is, and to get an interest in that Kinge by a new league. 3. To move the German Princes and the Kinge of Denmarke, from whome he received a cold answere unless they should see his Majestie in the feildes; and, because he were very tender not to breake the peace, hee considered what was fit to raise such an army as might goe into Germany, which by computation in Parliament came to 700,000$^{li}$, the largnes of which some drew him to a more thrifty course, and he made a league with Fraunce,

August 4. Savoy, and Venice, for the raysinge of an army of 30,000 foote and 6,000 horse under Counte Mansfeild, to which he was to contribute 20,000li per moneth, and at the same tyme furnisht his navy, and prepared this fleete, sent a new agent into Germany, who therupon began to take hartes, and the Kinge of Denmarke was more tractable and entered into articles wherby he is to raise a great army, and the Kinge to mayntayne 6,000 foote and 2,000 horse, which comes to 30,000li a moneth; but the fruite of this is yet under hope.

As for the enterprise of C[ount] Mansfeilde, though it have not fully answerd the expectation, yet it hath produc'd divers good effects. 1. The puttinge off the Dyet.[a] 2. The incoradginge of the German Princes. 3. The King of Denmarke's takeinge the feild. 4. The attempts of Frenche in Millaine, and the peace betwixt the Kinge and his subjects. 5. The scatteringe the enemye's forces in the Low Cuntryes.

Thus it appeares that his Majestie hath cald this Parliament, not out of a formality for his comminge to the Crowne, but to consult with you how these businesses may be proceeded in, and to let you know that what you have given he accepts graciously, but that these affaires require a further supplye. The fleete is nowe at the sea goeinge to the randez-vous att Plymouth, where there lye 10,000 men at paye, for which action his Majestie is deeply ingadged in respect of his owne honor, the cause of religion, and support of his allies. He hath intelligence besydes of a purpose to trouble Ireland, to encrease the enemy['s] army in the Low Cuntryes, and to thrust over parte of [his] army thither.

Ther is no lesse disburst already than 400,000li; his Majestie's coffers are empty. It is fit you should consider what to doe. No Kinge loves his subjects, the lawes and religion, better than hee; and he is persuaded no subjects love their Prince better; therfore hee leaves it to your choice what to doe, so as it may be put into

[a] The diet summoned to meet at Ulm.

the ballance whither it be better to suffer this action to fall, or to staye a while together, that you may resolve to yeild him convenient helpe. August 4.

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## August 5, 1625.

It was ordered that those who have not yet received the Communion should receive upon Sondaye next at Exetor Colledge. August 5. Communion.

The Committee for retornes and priviledges was respited till further order. Retornes and priviledges.

Mr. Whisler layinge for his grownde the Kinge's conclusion, wherby he left it to our choice, whither (ballancinge the danger of the tyme with the importance of the action) wee would now stay together to advise of some further supply or no; and, consideringe that the plague was alreadye entred into the citty, 3 of 13 parishes infected, 6 dead, and 7 or 8 sicke, moved that wee should first require a conference with the Lordes, and if wee might perceive by them this action to importe the Commonwealth more then our owne saftye, then to shew ourselves willinge to dye for our Cuntrye; if the Lordes cannot resolve us, then to resort to the Kinge, who, as he hath putt them into the ballance, knowes best how to waye them. The question of supply.

Sir G[eorge] More. That the desyer of a conference in this case is against priviledge and order.

Sir Jo[hn] Davers. Before we debate this busines, to appoynte a Committee to sett downe the hedds of what was spoken; because divers did not heare.

Sir Symon Weston. Causes ought to be exprest before effects. Let us first desyer to know our enemy before we agree to contribute to a warr. If ther be a just occasion, he deserves not the priviledge of a subject that will not sacrifice both his estate and his life for the publicke. We have amongst us enemyes to the State. Let us

August 5. beginn with their estates who use their meanes to supply forrayne Princes.

Sir Fra[ncis] Seymour. That he knew no grownd of this meetinge unless some out of private ends seeke to put discention betwixt the Kinge and his people, and gave this advise out of ignorance or mallice, rather then out of any care of the Commonwealthe. His Majestie was att first well contented. If wee had given more, it could not have bene payd betwixt this and Aprill.

As for the other proposition to give the Kinge credit by a declaration, it is a way to breed jeolosy betwixt the Kinge and his subjects, a devise of those who, knowinge their owne faults, seeke occasions to lay blame upon us. We were told of a peace in Fraunce. Who knowes not that the Kinge is gone against the Protestants? The rumor of the flat bottom boates wee hard the last meetinge. Wee have given three subsidyes and three fifteenes to the Q. of Bohemia, for which shee is nothinge the better. Nothinge hath bene done. Wee know not our enemy. Wee have set upon and consumd our owne people.

Since Princes must see and heare with other eyes and eares, how happy is that Kinge who reposeth his counsell upon men of worthiness, and how unhappy hee who resteth upon on or two, and they such as knowe better how to flatter and to begg of him then how to give him good counsell? Heare give me leave to remember for the honor of Q[ueen] Elizabeth, that shee governed by a grave and wise counsell, and never rewarded any man but for desert; and that so sparinglye, that it was out of her aboundance, not takinge from the subjects to give to others.

Hee concluded that he hop'd his Majestie should be as rich in the love of his people as ever any, and doubted not, if hee would deale freely with us and give us tyme to doe somwhat for the Cuntrye, that wee should in love yeilde to him a seasonable and bountifull supply, as it becoms us.

Sir H[umphrey] Maye. If the Kinge's plate or jewells, or the plate and jewells of some others, whom he hearcs dasht upon,

could have procured money, wee had not met heare now. Thinges are tornd fayrly to our advantage—I will not say by whose ministry—but God had a hand in it. When the Parliament gave that advise wee expected a warr; but I thought the warr would have bene left upon us and the Low Cuntryes. Fraunce and Spayne were joynd by maryage, and the Pope a continued mediator betwixt them to keepe them freindes: the Germanes broken: the Kinge of Denmarke a wary Prince, unlike to enter into any warr for our sakes. Now is Fraunce seperated from Spayne; hath sent on army into the Valtoline, another into Genua. If Mansfeild had not gon, all those designes had stayd, all Princes stood in doubt till his Majestie should doe somethinge. The next daye after the newes of his goeinge, the King of France commanded his army to marche. If wee lose our navy wee loose but litle, but if wee loose our credit wee loose the life and soule of the State. August 5.

My Lo[rd] of Devonshire was sent into Ireland not by the power of his freinds, but of his enemyes; yet they supply him with all thinges needfull for the honor of the State; and when newes was brought of the Spaynyard landinge, of the difficult seige of Kinsale, the comminge downe of the Ireish, and great hazard of that Kingdome; these thinges comminge into speech in the presence of my Lord of Salisbury, his answere was:—"My Lord of Devonshire cannot complayne of us; hee hath wanted nothinge from hence. If thinges miscarry, the blame must be some where else."

The Kinge's ingagement is from us by undertakinge our designes. I would have it in the power of this House to saye:—"If businesses succeeded not, blame not us. Nothinge hath bene wantinge on our partes." But if wee withdrawe our helpes, wee shall furnish other men with excuses, and all the misfortune wilbe layd to our charge. Let us not lose this advantage to have our parts of the good, and to avoyde the shame of the ill. I know wee have great businesses for the Commonwealth. It is not to be thought the Kinge will lose his credit with us; but will appoynte another tyme more fit to dispatch it if now wee give him contentment; and let us remember that

August 5. mony given in this House and cast into the sea, may doe us some hurt: but if it be not given, wee and our posterity may rue it.

Mr. Treasurer[a] brought it from the generall to a particuler, by movinge for the addition of two subsidyes and two fifteenes.

Sir Robarte Phillips distributed that which he had to speake into fower partes. 1. Of the cause and reason of our meetinge. 2. Of the affayres and counsells of the kingdome for some yeares past. 3. Of the present state of the kingdome. 4. His opinion concerninge the question.

1. That our meetinge heare was litle less than a miracle; transcended all presidents; wee met at London, where none of the Kinge's servantes but thought wee had done like good subjects. The first resolution of our adjornment expressd in his Majestie's care of our healthe. But upon the Fridaye before our partinge, a proposition was made by a gentleman,[b] who did that yesterdaye which never any man did before. Did the House then thincke they did well? and shall wee now varry? A surprise had then taken us, if God had not prevented it. No new enemye, dissigne, or danger presseth. Why should wee put on a new resolution? Yet hee was against the opinion of those that would parte, and doubted not but God had brought us hither against reason and president, that wee may doe somwhat to make his Majestie glorious.

2. That for our sinns God brought upon us the Spaynish treatyes, from which was induc't the Prince's jorny, and of that the effect is this warr: but all together proceed from the counsells of those who brought his Majestie in love with the deceitfull face of freindshipe, to be seduc't by the practises of that suttle, artificiall, foxelike people. He remember[ed] with comfort that he was on of those who suffered in that cause when we were under that ill plannit by which some men were made so powerfull, that wee were [restrained][c] in our libertyes and imprisoned in our persons, from which himselfe

[a] Sir Thomas Edmondes.

[b] Sir John Coke.

[c] Blank in MS.

was delivered without injuringe the libertye of the House in wordes or writinge, and taxt with nothinge but only with speakinge against the Spanish matche. From this mistery of perdition we were freed by a strange counsell, the Prince's jorny; assoone as hee retorned, the treatyes were, in reall intention, broken. Hee was the effective cause indeed of that wherof wee were made the instrumentall. Three thinges were then desyred. 1. That the Prince would lincke himselfe in such an alliance as might agree with us in religion. 2. To uphold our neighbours whose safty and ours are on[e]. 3. To preserve religion in the kingdome. What the Spanish articles were wee knowe. Whither those with Fraunce be any better, it is doubted. There are visible articles and invisible. Those wee may see, but these wilbe kept from us. August 5.

3. In 7° Jacobi, the question concerninge the King's prerogative of imposinge was handled in this House. It was argued, debated, resolv'd the subjects were free from such impositions. In 12° that question was distributed into partes; a conference desyerd with the Lordes, and refus'd; which hee remembers not as with any imputation of injustice of the Kinge, but as a marke of the mallice of his ministers. All papers touchinge that business taken away, and together with them, as much as in them lay, the libertye of the subjects were consumed in the fyer. In 18° wee forbore that question, and gave two subsidyes for the supply of the King and Queen of Bohemia. In 21° it was not stir'd. Since that Kinge's death, ther is a wronge don to us in levyinge the tonnage and powndage. In the governm[en]t ther hath wanted good advise. Counsells and power have bene monopoliz'd. There have bene more assaults upon the libertyes of the people, more pressures within this seven or eight yeare then in divers ages. These thinges argue God to be our enemye, and that wee must first make our peace with him, or els in vayne shall wee send out armadoes or mayntayne armyes abroade.

4. This place, Oxforde, makes him remember what hath bene done heare in former Parliaments; yet hee is none of those that

August 5. loves the disordered proceedings of Parliaments. In all actions ther is a mixture of good and what was ill in our forefathers struglinge with the prerogative. Let us avoyde [that which was ill], but not that which was good. They look't into the disorders of the tyme, and concluded with the Kinge for a reformation. When Kinges are perswaded to doe what they should not, subjects have bene often transported to doe what they ought not. Let us not come too neare the heeles of power; nor yet fall so lowe as to suffer all thinges, under the name of the prerogative. Let us looke into the right of the subjecte. Hee would not argue whether the fleete were best to goe or stay, whither leagues abroad be apt to supporte such great actions. The match hath not yet brought the Frenche to joine with us in a defensive warr, or any longer then conduceth to their owne ends. The French army, which they say is gon, wee heare is upon retorne. In Germany the Kinge of Denmarke hath doun nothinge. The best way to secure our selfe is to suppresse the papists heare.

It seemes strange it should be so harde for the Kinge to take up 60,000$^{li}$; God forgive them that have so decayed his credit! Though it be not possible the subjects should forsake their kinge, yet if in respect of these counsells any man make a stand, let the blame light in the right place.

To give mony is the end of Parliaments; but to give mony upon a catche, wilbe the shame of Parliaments. It wilbe an honor to the Kinge that his people be seene to have a care of the setlinge his affayres. Let the fleete goe on; and let not us parte till his Majestie may see an ample demonstration of our affections. Let us looke into the estate and government, and, findinge that which is amiss, make this Parliament the reformer of the Comonwealthe; and, as an entrance into this, he concluded with a motion for a select committee to frame a petition to his Majestie upon such hedds as may bee for his honor.

Sir Rich[ard] Weston made a shorte recitall of the heds of the former speeche, applyinge to every on answere, that concerninge

religion, he doubted not but the Kinge would quickly satisfye us. August 5.
What was meant by the exception against the counsells neare the Kinge, he sayd he understood not. The effects of the leagues did hardly yet appeare, yet hee insisted upon divers advantages alreadye produc't, which were the same spoken of by Sir Jo. Cooke.

Ther was never tyme so necessarye wherin ther should not be rumors of jeolosye betwixt the Kinge and the people. Heartofore our meetings have bene like lines in a paralel, ever of equall distance. The Kinge hath learn'd in Spayne that nothing brought his father into so much contempt as the coldness betwixt him and his people, and that the contrary cause will have the contrarye effect; and, therupon, like a happy starr, led the waye to the people in the last Parliament, when the best lawes were made that divers ages have knowen. Neither is hee like to be behinde with us since his new fortune. As our duty is desended upon him, so is his favour enlardged towards us; and the better to continue it hath now other new motives, warr and danger, necessitye and honor.

Necessitye is a worde wee care not to heare of; wee must not thincke he looseth litle if wee suffer him to lose his honor. Wee have ingag'd all the princes of Christendome, they anger, they hate, they fear with us, and will they not grow cold with us? Why have wee talkt so much of the justice of this cause? If now wee will forsake it, if wee doe not see this daye the effecte of our counsell, beyond this daye wee cannot counsell.

Then hee related the emptiness of the late Kinge's coffers, his debts, his anticipations, the great charges the present Kinge hath susteyned since his father's death, his debt, as Prince, for this action, his late borrowinge of the cittye upon a mortgage of his lands. That the 400,000li we heard of yesterdaye was rais'd by anticipation of his revennewes, some till Midsomer next, some till Christmas twelvmoneth. The tymes of a longe peace and dependance upon deceivable treatyes had brought thinges out of frame, which wee mighte well hope in this Kinge's tyme, by advise of his people, would better prosper. Whatsoever wee doe hearafter, this action

August 5. must be doun now: when wee have made his Majestie able to rectifye his honor, let us goe to other thinges that will indure longer tyme. The affaires abroad are out of our power; ther is no medium betwixt our glorye and our shame which will fall upon us, besides the loss of all our paynes and what wee have already doun.

He concluded with a motion for two subsidyes and two fifteenes, and with a prayer, that, as wee had given good councell, so God would directe us in such a way that wee might bee able to mayntayne it.

Sir Ed. Cooke. 37 Ed. 3, when hee was in the hight of his glory, the Commons petition that he would commande the bishopps and clergye to pray for three things: 1. for his Majestie's State, 2. for the peace and government of the kingdome, 3. for the continuance of the good will betwixt the Kinge and his subjects; and and no subsidyes were then given, and yet their love continued. After this introduction hee propounded two questions: 1. Whither now to give any more subsidyes? 2. how the Kinge maye subsist without charginge his people? He delivered his opinion not to give. By the ordinance[a] 9 Hen. 4, no man should informe the Kinge of any man's speeche in Parliament, but only of the conclusions; and the title of that ordinance is against fleecinge[b] reports: and added this reason: subsidyes can doe noe good for the present, and credit the Kinge maye have without us. Other reasons would appeare in answere to those thinges which have bene urged on the other side.

1. That wee had ingag'd the Kinge.

Ans. Wee made a protestation, which is a parliamentarye way; but ther [is] no enemy yet knowen. Our cuntrye doth not trust us to ingage them but only by Act of Parliament, and yet, if wee were ingag'd, wee have performed it; wee gave the last Parliament 400,000li, now two subsidyes, besides the tunnage and powndage.

2. The greatnesse of the necessitye.

[a] Rolls of Parliament, iii. 611.

[b] So in MS.

Ans. Necessitye is a brazen wall, *lex temporis*; Bracton speakes of three kindes: *affectata*, *invincibilis*, *improvida*. He cleared this from beinge affected, neither did he hold it invincible; but thought it rather grewe by want of providence. It was never heard that Q[ueen] Eliz[abeth's] navy did daunce a pavin; so many men to be prest, and ly soe longe without doinge any thinge. August 5.

The office of L[ord] Admirall is the place of greatest trust and experience. That of the High Constable, Bohune had by inheritance. The Marshalseys hath bene graunted in like manner. Beomond[a] was Lo. Steward to him and his heires; so was never any Admirall. In Ed. the 3rd's tyme, it was devided into the North and South. It will be well when offices are restored to men of sufficiencye. If an office be graunted to an unexperienced man, it is voyde. Such a place as this cannot be exequuted by deputation. This wisdome of ancient tyme was to put great men into places of great title; but men of partes into such places as require experience. For the most parte a tradsman was Master of the Ordnance until 20 H. 8; and since it was possest by the nobillitye was never well exequuted.

To those answeres he adjoyn'd another reason for not givinge: the affliction of the tyme, the cessation of trade, London shut up with the plague, the Commons decay'd, the wofull examples of pressinge the people above their abilityes; 4 R. 2 and 3 H. 7 it caused a rebellion; 14 H. 8 on eighthe of every man's estate in land, mony, or plate, was graunted to the Kinge, but the [Earl of Northumberland][b] was slayne in the North in collectinge of it; but when they complayned to the Kinge, he disclaym'd it, layinge it upon the counsell. They put it off upon the judges, and they upon the Cardinall.

Then hee came to his second parte, how the Kinge mighte subsist without charginge his subjects; towards which he layd this ground:

[a] Robert de Bellomonte, Earl of Leicester, brought the office into his family by marriage, in the reign of Henry II.

[b] Blank in MS.

August 5. That subsidyes have not us'd to be graunted for any ordinary expences, and undertooke three poyntes: 1. To shew the causes of the Kinge's wantes; 2. the remedyes both removent and promovent; 3. to answere some objections, and to shew the ground of parliamentarye proceedings.

The causes. 1. Fraude in officers; of which hee gave on example of the customes, that when the farme was graunted accordinge to the medium of seven yeares, on man got 50,000li a yeare by it. 2. The treaty of the Spanish matche. 3. The erectinge of new offices and new fees. The presidents of Yorke and Wales put the Kinge to a great charge. The like order was made for the Western men 31 H. 8, but they petitioned that they [were] well enoughe; and there is no occasion now for the Northe, wee beinge united with Scotlande. 4. Abuses in the Kinge's housholde by increasinge of tables and misimployinge that which comes from the subject, which must be reform'd otherwise than by such men as leape from the shopp to the greenclothe; by occasion wherof hee named Sir Lionell Cranfeild, and Sir Symon Harvy. 5. Excesse of annuityes, which upon all occasions former parliaments have used to retrenche. All the Kinges since the Conquest have not bene so much charg'd in this kinde as the Kinge nowe is, and by using to be bought and sold they are made perpetuall. 6. The unnecessary charge of portage-mony for bringing in the revennewe. 7. Overmuch bountye in the graunte of fee farmes and privy seales for mony. The Kinge's servantes should be rewarded with offices and honors; not with the inheritance of the Crowne. 4 H. 4, the lawe provided that no man should beg of the Kinge till hee were out of debt. From thence came *ex mero motu* into patents; let that now be put into exequution. 8. Vanity and excesse in costly buildinges, diet, and apparell.

From the contrary courses to these causes he deduct those remedyes which hee called removent. The remedyes promovent were these: 1. The improveinge of waste groundes. The Kinge hath 31 forrests, besides parkes without number, all which stand him

in great charges. 2. The imployment of good officers. The revenewe of Irelande in Ed. 3d's tyme was 30,000li *per annum*, and yet silver was then at five groates the ounce, which is now at fifteene groates. 3. Upon all the Kinge's leases the rents maye be rais'd at least a third parte. All objections to these courses wilbe taken away if these thinges be doun in Parliament, and out of Parliament they cannot, because noe man will speake so freely. 6 Ed. 3, Numb. 4, the Kinge did undertake of his ordinary revennewe to mainetayne his ordinary charge. 27 Ed. 3, Numb. 9, that he never charg'd the subject in 14 yeares for the warrs in Fraunce, because he had good officers. 50 Ed. 3, Numb. 3, 6 R. 2, Numb. 16, 5 H. 4, Numb. 33, 1 H. 5, 11 H. 6, it was ordayned that the ordinary charges should be defrayde by the ordinary revennewe; and for this reason in 11 H. 6 the Lo[rd] Cromwell acquaintinge the Parliament with the ballance of the Kinge's estate, they tooke order that none of the ordinary revennewe should be deminisht; 1° H. 7, 11 H. 7, the like provision was made. August 5.

Hee concluded with a motion for a generall committee, with power to make a select committee.

Mr. Sollicitor. By way of preamble, intimatinge that besides the common difficultyes their [were] some particuler to himselfe, beinge to act both a publicke and private parte; wherin yet he ment to shew himselfe so indifferent as not to hold either of Cephas or of Appollo; and then declaringe his owne opinion in the question, answered those thinges that had bene urged to the contrarye.

1. That wee neither are nor can be ingagd. He thought we were, unlesse the Kinge should put us upon such a way as was impossible. Neither is it trew that the treatyes were broken, before wee were cald upon. Indeed ther was an inclination in the Kinge that now is; and he that was then at the sterne fetch't many sighes before he fetch't it aboute: yet he did not hold that wee were ingag'd to all thinges the Kinge should propound; and wish't wee should move him to declare his enemye.

2. That ther is no such necessitye. He would not indeavor to

August 6.

alter his opinion who held it was *necessitas improvida.* The treasure hath bene exhausted in King James' tyme. Shall K[ing] Charles be punisht? It shall make good that sayinge—"The fathers have eaten sower grapes, etc."—But it is not the Kinge's necessity, it is the Kingdome's. Whatsoever he suffers in his honor, or otherwise, will light upon us.

3. The danger at home from those that are false-harted amongst us. Hee yeilded such courses ought presently to be taken that they might not be able to doe hurte.

4. That places are possest by men that want experience. He profest his obligation to the great man intended. Yet, by way of admittance, that it was so, let it be questioned; but so as not to retarde the publicke. If he deserve blame, let the burthen light upon himselfe, not upon the Comonwealthe. It is the naturall order that those thinges be first doun which are most urgent.

5. The present afflixtion of the tyme. Plague and famin are begun alreadye. Their is a third worse than either, the sword put into the enemyes hande, who will not be idle if wee stand still. If they first disturbe us in Irelande they will put us to so greate a charge as wee shalbe able to do nothinge els.

6. The tyme of the yeare past for this navy. Wee know not the designe, and therfore wee cannot judge of the tyme; but we may make it past if wee stand to longe in consultation of that which is to be done before it can goe.

7. That the Kinge's estate, like a shippe, hath a great leake. If a shipp be assaild, all must not goe to mend the leake, and none to defend her. For the particular propositions delivered to this purpose, he referd them to a future consideration, and concluded that it was fit to give; and for the *quantum* did referr it to a second question.

Mr. Alpharde. That [it][a] was never the meaninge of the House to be ingag'd; therfore all wordes which might receive any such

[a] "is." MS.

interpretation were stricken out of the preamble of the Act, and wee ought now to be as carefull to graunte subsidyes in reversion. August 5.

Sir G[eorge] More. The businesse of this day is to answere his Majestie; not to inquire into the errors of former tymes. Parliaments have varied in the manner of their guifts; sometymes the nine sheafe; sometymes tenthes or fifteenes. If the occasion now should move us to some unusuall course, wee shall not therin differ from auncesters. If a word in season be precious, much more a deed in season; errors in tyme cannot be recovered. Let us doe this whilest the opportunity requires it.

Sir W[illia]m Stroude. To spare the poore and lay it upon the riche.[a]

Sir F[rancis] Nethersale. Kinge James was ingagd to the Kinge and Q[ueen] of Bohemia: hee tooke the way of treaty to fulfill that ingagement. That treaty though it could not restore all the Palatinat, yet a great parte was offerd. The Kinge's resolucion to leave that course was upon our promise to assist him in a Parliamentarye waye. If wee do not wee shall make the case of those Princes worse then it was; wee shall breed a coldness in our freindes, by an opinion of our unwillingnes; confidence in our enemyes, by an opinion of our disabilitye.

Sir George Goringe. To appoynte a Committee; and that the great Lorde who hath bene toucht may come to cleare himselfe.

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## 6 August 1625.

An Act for takinge the accompt of mony given to good uses. This accompt was appoynted to be made upon oath, before three Justices of the Peace. August 6. Mony given to good uses.

[a] "Sir Wm. Strode—against subsidies in reversion—A Committee." Commons' Journals, i. 811. In the report printed in the Appendix, we have "noe subsidies, but an humble remonstrance." Perhaps he suggested a special levy upon the rich to be prepared by the Committee.

August 6. [Petty-larceny].[a]

An Act concerninge [petty-larcenies].[b]

Divers exceptions were made to this Bill:

1. That it alters the fundamentall lawe, which is, that no man shalbe tryed upon fellony before inditement by the cuntry. 2. It will deprive the Kinge and other Lordes of their escheates.

Pardon to a Jesuit.

It was mov'd by Sir Rob[ert] Phillipps. That the Committee might be commanded to bringe in the petition concerninge a pardon graunted to a Jesuite and ten others taken at Exetor.

Sir W[illia]m Erle. Upon a search made by two Justices of peace in Dorsetshire, they fownde in the house of on Mrs. Esmond an alter, copes, and other massinge stuffe. Therupon they tendred the oath to the Mrs. of the House, which she refusd, and, beinge comitted to the custodye of the constable, made an escape, complayned at courte: a letter was written to the Justices to this effect, that they should deliver the stuffe and suffer her to come quietlye to her house, in regard it was harvest. This letter was signed by Secretary Conway. Refer'd to the former Committee to be inserted with the other matters into on petition.

Secretary Conway's letter.

Supply.

Sir H[enry] Milmay introduced the busines of supply, concludinge for two poyntes: 1. To know what would be sufficient to set out the navy. 2. To graunte, by way of contribution, not of subsidye.

Sir Jo[hn] Eliot to take of all faults from my Lo. Admirall. That the matters of the navy were exequuted by commission.

Sir Jo. Cooke, this taxe of the Commissioners is an artificiall condemninge of my Lord Admirall. The Kinge's navy is the most potent navy of Christendome, and if there [be] any thanckes deservd, it is all doun[c] to my Lo[rd] Admirall.

Sir Wm. Stroude. How can two subsidyes to be payd a yeare hence conduce to the goinge out of the navy within this fortnight?

Sir Nath[aniel] Riche propounded fyve hedds which he

[a] "Petilacing." MS.

[b] "Petti-lacinius." MS.

[c] Perhaps "due."

desyered might be referd to a Committee to frame into a petition, wherin the Kinge's answere would yeild a great satisfaction to the cuntrye, though they could not be all perfected now, and that answere beinge obteyned we shalbe the fitter to resolve the question of supply. August 6.

1. Concerninge religion: The Isralites could not prosper, so longe as the execrable thinge was amonge them: wee have as litle hope of successe as longe [as] idolatry is so common. But wee allreadye expect the King's answere for this, which hee desyered might be in Parliament; and then it shall have the force of a lawe.

2. That wee may know the enemye.

3. That it would please his Majestie to use grave counsellors in the government of these great affaires.

4. That wee might at our next meetinge have sufficient tyme to looke into the Kinge's estate, that so hee might be enabled to subsist of himselfe.

5. The desyer of his Majestie's answer concerninge the impositions.

If it be objected wee shall not have tyme enough, the course anciently was to present the heds of their petitions, and to expect an answere at the next meetinge: others may objecte that hereby wee shall capitulate with the Kinge. 22 Ed. 3, The Commons gave three fifteenes upon two conditions: 1. That if the warr did cease the guifte ought to be voyde. 2. That his Majestie's answere to their petitions might be inrolde. Conditionall subsidyes.

Mr. Clerke. Invectives with bitterness are unseasonable for this time. Heare he was stopt, commanded to explane, which he did, but without any submission or excuse; and therupon sent out of the House, and ordered that he should stand committed to the sergeant till the farther pleasure of the House might be knowen; and beinge cald in agayne to the barr, kneelinge, Mr. Speaker told him the order of the House. Mr. Clerke.

## 8 August.

August 8. Pardon to a Jesuite.

The Committee brought in the petition, concerninge the letter and pardon, which was read; my Lo. Candish[a] therupon was sent to the Lordes to desyer a conference, which their Lordships graunted, and appoynted to-morrow, 8 of the clocke.

Sir Rob[ert] Pye had inform'd the House that Mr. Clerke was readye at the dore, humbly desyringe to be admitted to make his submission. Therupon he was cald in, and at the barr made a confession of his faulte, kneelinge and protestinge that hee had rather dye a thousande deathes then disturbe the peace of our proceedinges; and, beinge sent out againe, the House agreed that he should be discharg'd; which the Speaker signifyed unto him beinge againe brought to the barr, but not kneelinge.

Message for a meeting at Christ Church.

A message came from the Lordes that the Kinge had commanded my Lo[rd] of Buckingham to deliver divers matters to both Houses; therfore they desyer our House might meete with theirs this afternoone in Christ Church Hall; and, because his Majestie had declar'd that he should have use of Secretary Conway and Sir Jo[hn] Cooke to assist the Duke in that service, they had given my Lo[rd] Conway leave, and pray'd us to doe the like for Sir Jo[hn] Cooke.

Difference betwixt a House and a Committee.

This message bred some doubt, for, if this meetinge were of both Houses, the Speaker ought to goe, and all the members to be coverd. Some propounded to send to the Lordes for an exposition of the message; but that was mislik'd, because it came from the Kinge, and it might be thought no discretion [in] us to desyer them to expound the Kinge's message.

The Lordes wont to come to the Commons.

Sir Nath[aniel] Riche. The Speaker not to goe but when the Kinge is present in person, or by comission. Aunciently the Lordes were wont to come downe into this House to acquainte us with businesses till 2 Ric. 2, when they excepted against that

[a] Cavendish.

course; but afterward it was restored agayne till H. 6, when the Lordes sent to the Commons to meete with them, which they refus'd, and the difference was referd to the Kinge's pleasure, who orderd that they should not come; but with protestation that it was of favor, not of duty. In 3 and 6 H. 8, divers great lordes came into this House accordinge to the auncient manner. But the lordes, havinge private notice of this difficultye, sent another message declaringe that their former messengers had mistaken their instructions, for their desyer was that the meetinge might be by the committees of both Houses, so that debate was ended. The meetinge was ordered, and Sir Ed[ward] Cooke, Mr. Sollicitor, Mr. Recorder, Sir Dudly Diggs, Sir Nath. Riche, and Mr. Pym appoynted to make the reporte. August 8.

*Eodem die* at Christ Churche.

The Committees of both Houses met at Christ church, wher the Lordes beinge all set, a litle forme was left at the upper end of the table for the reporters. My Lo[rd] Keeper made the introduction; the Duke of Buckingham delivered the business; my Lord Treasurer related the state of the Kinge's treasure. After they had all doun, the reporters went together to agree upon their reporte, and appoynted my Lord Keeper's speech to be reported by Mr. Recorder, my Lord of Buckingham's by Mr. Sollicitor, my Lord Treasurer's by Mr. Pym. Meetinge at Christ church.

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9 Augusti, 1625.

An Act against Habeas Corpus[a] past. The Committee met with the Lordes upon a conferrence touchinge the petition, concerninge August 9. Habeas Corpus.

[a] "An act to restrain the grants of writs of *habeas corpus*," *i.e.* for releasing debtors.

August 9. the pardon graunted a trater,[a] &c. and my Lord Conwaye's letter, etc.

Mr. Recorder made the report of my Lord Keeper's speeche in this manner:—

Lord Keeper's [speech]. My Lords and Gentlemen all. It is but very litle I have to saye to you, and all that concerneth a petition for and concerninge religion exhibited by both Houses to his Majestie a litle before the tyme of the last recess, to which peticion his Majestie was then pleased to give a gracious answere in generall, and hath in parte effected the same. Since that tyme, on Thursdaye last, before both Houses, his Majestie promis'd a more particular, and, as I may terme it, a more Parliamentary answere, article to article. This he promised within two dayes, and accordingly performed. Howsoever, the interveninge of the Lorde's Daye was the occasion it was delivered no sooner. Now his Majestie hath made a very gracious a very full and perfect answere to every branch of the peticion after an ancient and Parliamentary way, and delivered it to my Lord Admirall, the Duke of Buckingham his Grace, to be doun withall, and recorded accordinge to usuall course in both Houses of Parliament. Besides, his Majestie hath given me commande to let you, my Lordes and Gentlemen, understande that he hath given especiall charge to my Lord Admirall to deliver some other matters of great importance, which may expedite the business now in agitation.

Mr. Sollicitor made the reporte of that which was spoken by the Duke of Buckingham, thus:—

D. of Buck- [ingham]. My Lords and Gentlemen. His Majestie hath this daye layde so great a charge upon me, that, lookinge on my owne weakness, I apprehend the waight of it; but, when I consider that it is fit for a Kinge to deal playnely with his people, in that respect it falles fit upon me, that have neither rhetoricke nor arte. In two wordes I could give you an answere, that all your desyeres are graunted, but it wilbe fitter for your satisfaction to heare the particulars read of

[a] *i. e.* Alexander Baker, a Jesuit.

the petition delivered by both the Houses, and then the answers to them. August 9.

The petition was read, and the answeres to every article, which you may see amongst other Parliament extracts, l. 2, fo. ,[a] which beinge doun, my L. Duke spake as followeth:—

His Majestie hath taken well your puttinge him in minde of these thinges; so, if you had not prest it, he would have done it of himselfe. He doth not this to draw you on, but what he hath doun is to discharge his conscience, and the duty of a sonn to his father, who commanded him, as his will, on his death bedd, to shew unto the world, assoone as hee was maryed, that hee did not mary her religion, but her person. This the Kinge commanded me to deliver.

I am now, my Lordes and Gentlemen, to give you an accompt of the fleete, and all the preparacions. The first and last tyme I had the honor and happynes to speake before you all was in this same business; I call it honor and happynes, because upon that which I said then were grounded thes counsells and resolucions that have made so marvelous a change in the affayres of Christendome; and that was so happy to me that I had the honor to be applauded by you. Nowe havinge the same hearte to speake with, and the same cause to speake in, before the same persons, I doubt not but to have the same success and approbation.

If you looke upon the change of the affayres as they are now from the tyme that was then, you will thincke it litle lesse then a miracle; for at that tyme the Kinge of Spayne went conqueringe on, and was sought to by all the worlde. He mastered Germany, the Palatinat, and the Valtoline. The Princes of Germany were weake, and not able to resist, and by a treâtye he kept all other princes in awe. Wheras now the Valtoline is at liberty, the warr is in Italye, the Kinge of Denmarke hath an army of [17,000][b] foote, and 6,000 horse, and commissions out to make

[a] Printed in Lords' Journals, iii. 479.

[b] Lords' Journals, iii. 381.

August 9. them 30,000: the Kinge of Sweden declares himselfe, the Princes of the Union take hearte, the Kinge of Fraunce is ingag'd in a warr against the Kinge of Spayne, hathe peace with his subjects, and is joyn'd in a league with Savoy and Venice. This beinge the state of thinges then and now, I hope to have from you the same success of beinge well construed, which then I had; for since that tyme I have not had a thought, nor entred into an action, but what might tend to the advancement of the business, and please your desyers. But if I should give eare and credit, which I do not, to rumors, then I might speake with some confusion, fearinge not to hold so good a place in your opinion as then you gave me, wherof I have still the same ambicion, and I hope to deserve it. When I consider the integritie of mine owne soule and hearte to the Kinge and state, I receive corrage and confidence; wherupon I make this requeaste, that you will beleeve that if any amongst you in discharge of their opinion and conscience saye any thinge that may reflect upon particuler persons, that I shalbe the last in the world to make applycation of it to my selfe, beinge so well assured of your justice that without cause you will not fall on him that was so lately approved by you, and who will never doe any thinge to irritate any man to have other opinion of me, then of a faithefull trew harted Inglishman.

And, because in a continued speeche I cannot give you so good satisfaction in the openinge of this business, therfore I will take this order to make propositions and questions to my self, and answere them as well as I can. I will beginn with the tyme when the resolucion was taken for breache of the treatyes and alliance, and give that accompt of my owne actions.

The inducements of this enterprice.

1. The first question I put to myself is:—By what councells this great enterprise hath bene undertaken and pursued hitherto? I answere:—By the Parliament. And then he cald for a declaration 23 Marche, 1623, (which is entred 2d l. of extracts of Parliament,[a])

[a] March 23, 1624. Lords' Journals, iii. 282.

which beinge read by Mr. Attorney, his Grace proceeded: Heare, my lordes and gentlemen, you see upon what counsell my master entred into this business; when you had given him the counsell and the meanes to exequute it, the next part was to set on worke that which was then propos'd, the defence of England, the securitye of Ireland, the assistinge of his Majestie's freindes and allyes, the settinge forth of a Royall Navye; of which the first three were forthwith undertaken. August 9.

And when my master had come to exequute thus much, hee looked into his purse and fownde himselfe unable for the navye; yet, lookinge upon the affayres of Christendome, found it to be most necessarye.—But that is not all, if he should then have nam'd an enemye, and declared a warr, all his marchants goods in Spayne had bene imbarguo'd, which are since drawen home, the enemye had bene prepar'd, his freindes not ready to assiste, the alliance not so easlye drawen in, and so long a tyme betwixt the declaration and action as would have made the world beleeve he entended nothinge.—Upon this his Majestie of famous memory, beinge at Newmarket, wrote to me a letter to London to this effect: That lookinge into the affayres of Christendome, he thought fit to have a royall fleete set forthe, but with all he writ:— "I have no mony in my coffers, but I would have you ingage yourselfe, your owne estate, and your freindes, to set it forwarde; by this meanes, I shall seeme lesse ingadged, and other Princes, in hope to drawe me on, will sooner come in themselves. Hearupon, I went to it with alacrity, and knowinge that all I have I had it from him, I could doe no less, and held it a happyness that I coulde once say to the Kinge: Sir, you may see all that you gave me flotinge in your service. Then I conferd with the Counsell of Warr, the Lord Conway, Lord Grandison, Lord Chichester, Lord Carew, Lord Brooke, Lord Harvy, Sir Rob[er]t Maunsell, and Sir Jo[hn] Cooke and Captaine Love were then present. We first talked of the warr, and then of the meanes. I never spake almost of the business but with them. I never came to towne but I met with them.

King James' wary proceedings.

Frequent consultacions.

August 9. I went to them, or they did me the honor to come to mee I never thought of alteration, nor resolvd of any thinge but in their company. When I sawe all the materialls ready, shippes, ordinance, victuall, all prepard then for the proportion, and the tymes and levyes, it was thought fit to comunicat this to the Lordes of the Counsell; because the levyes could not be but by them; wherupon I addressed myselfe to his Majestie and prayed him to referr it to the Lordes; I made the accompt to them, with which they were all satisfyed, and sayd that if this were put in execution it would do well, and they pleas'd to give some attributys to it.

Heare he intreated Sir Jo[hn] Cooke to deliver the state of the accompte, which in sommary manner hee did, beinge readye to give more particuler satisfaction if the House should require it; and then his Grace proceeded:

My Lords and Gentlemen, About this tyme his Majestie sent me into Fraunce. I intreated his Majestie to have a care of the business, that it might be followed accordinge to the direction agreed upon at the Counsell table, and the Lord Treasurer, Lord Chamberlaine, Lord Conway, Lord Brooke were namd Committees to see it performed. This I thought fit to tell you, that I might shew you what great counsell this business was carryed with, and I have not made any other stepp in it but what I have told you.

Care in the disbursements. 2. The second question: Whither those expences, computed for this business, of 400,000 li, wherof 300,000 li already disburs'd, 40,000 li are presently to be us'de, and 60,000 li at the returne, have been bestowed in that frugall manner as is fit or noe?

All was mannag'd by the proper officers: I layd out mony of my owne, and borrowed of my freinds, but I made it to run the proper waye, as if it had come out of the Excheq[ue]r.

Heare Sir John Cooke sayd:—Your owne 44,000 li, and another particuler purse, 50,000 li.

The present want. 3. The thirde question: Whither yet ther bee a considerable some wantinge to set out the fleete, without which it cannot goe to the sea, and whither this fleete was ever entended to goe forth or not?

To set out this fleet 40,000 li is wantinge. My master hath anticipated all his revennewe, pawnde his landes, and would have pawnd his plate, if it would have bene accepted, so that his Majestie must live in misery unless some course be taken for his supplye. August 9.

For the second parte of the question: Whither it were entended the fleet should goe forthe or noe? For my parte I know not what pollicy my master should have, to set out a fleet with the charge of 400,000 li only to abuse the world, and lessen his people, and to put you to such hazard. What should my master gayne? Would he doe an act never to meete with you agayne? Certaynly he would never have imployed so great a somme of mony, but that he saw the necessity of the affayres of Christendome require it; and it was donn with an intention to set it out with all the speed that may bee. Realty of the intendment.

4. The fowerth question: Why was not this want of mony foreseene in the first project of this whole service; but comes to be thought upon unexpectedly and dangerously, considering the sickness: at least, why not before our last adjornment, wherby wee are drawen unto this meetinge at an unseasonable tyme? This was foreseene, but interrupted by unfortunate accidents, as the death of my gracious master of famous memory, then the funerall, which for decency could not be more hastened; then the jornye into Fraunce, and the marriadge, which made more delayes then were expected, yet necessarye. Since the Parliament was cald, you heard his Majestie's declaration that there was no tyme for counsells, but for resolution. And when his Majestie understood how lovingly you had given these two subsidyes, he conceiv'd they had bene only as a present for his welcome to the Crowne, and did resolve when they should present them unto him, as hee thought the manner was, at the same tyme to relate the business more at large, as afterwarde he did by Sir Jo[hn] Cooke. The unseasonable time of this proposition.

5. The fifth question: Who gave that counsell to meete againe when the sickness was so dangerously spredd? And place.

August 9. His Majestie comanded me to tell you the business it selfe and the necessity of it gave him that counsell, els he would not have hazarded your persons, nor the safty of the kingdome, by dispercinge the plague. If he had bene able to set it out without your helpe, he would have donn it, and trust upon you for supply afterwardes. But admit a faulte hath bene made, why should the State, the action, the affayres of Christendome suffer for it? If it bee for my master's honor, which is nowe buddinge, your owne good and the kingdome's, why should a particular man's mistakeinge cause it to miscarrye. I hope your wisdomes will so farr peirce thorough it, as to set it forwarde.

The Kinge's owne charge. 6. The sixt question: Why should not the Kinge's owne estate helpe to this business? Judge whither it hath or noe: seeinge you gave so largly before, he chos'd rather to lay out of his owne estate then to presse you, and whither ther be not cause to be assur'd that he will doe more, when it shalbe in his power, since he hath already donn so much.

Unfit time of the yeare. 7. The seventh question; But is not the tyme of the yeare too farr spent for the navye to goe forthe?

My master answer'd: Better the fleet goe out and perrishe halfe then now not goe; for it would shew want of counsell and experience in the designe, wante of courage in the exequution, and would argue weakness and beggery of the kingdome, as not able to goe thoroughe with such a designe. The endes propos'd were three, the tyme yet seasonable for them all, which I could manifest. If it were fit to publish the designe, which I thincke none of you in your wisedom would desyer to knowe, I woulde satisfye your thoughts in other thinges.

Ships against the Rochellers. 8. The eighth question: Whither the 8 shipps sent to the Kinge of Fraunce were set out at the charge of the Kinge out of the subsidye mony, and were to be imployde against the Rochellers?

For the first, it was the charge of the French Kinge; and for the other, it is not fit for Kinges to give accompt of their counsells: but judge of the particuler by the event.

9. The ninthe question: You will say I was your servante to breake the Spanish matche; but have done as ill in makinge the Frenche, with worse conditions. August 9. Prejudice by the French matche.

The contrary is manifested by the Kinge's answere to your petition, whiche he hath done without breakinge any publicke faithe.

10. The tenth question: Yea, but I served you in the breache of the Spanish treatye for particuler spleene and hate of mine owne to Conde Olivares. Selfe respect in breakinge the Spanishe treatyes.

No cause had I to hate Olivares, who made me more happy; for I had out of his hande papers which could not otherwise be obteynd,[a] by which I gained a nation. I am not vindicative, nor wilbe an instrument to doe any thinge by ill meanes; this intencion was to serve his master, but by indirect meanes; I can forgive my enemyes. I will leave that business asleepe, which, if it be wakened, will prove a lion to devoure him that was the author of it; I meane on of my owne nation, who did co-operate with him.[b]

11. The eleventh question: But hitherto I have spoken nothinge but of immence charge, which the kingdome is not well able to beare, if it should continewe: the Kinge of Denmarke, 30,000li a moneth; Mansfeild's army, 20,000li; the army of the Low Cuntryes, 8,000li; Irelande, 2,600li; besydes 12 shippes preparinge to seconde the fleete. The profit answerable to the charge of this navy.

Make my master cheiffe of this warr, and by that you shall give his allyes better assistance then if you gave them 100,000li a moneth. What is it for his allyes to scratche with the Kinge of Spayne, to wynn a battle to day, and loose on to morrowe, and to get or lose a towne by snatches? But to goe with a conquest by land, the Kinge of Spayne is so stronge, it is impossible to doe. But let my master be cheiffe of the warr, and make a diversion, the enemye spends the more; he must draw from other places, and so you give to them. By this kind of warr you send no coyne out of the kingdome; that

[a] The letter from Philip IV. to Olivares directing him to break off the match.

[b] The Earl of Bristol.

August 9. which cometh from the subject is beeoffe, butter, etc., will returne to you agayne in better commodityes, and so the realme not impoverisht.

The enemy. 12. The twelvth question: Yea, but wher is the enemy?

Make the flecte readye to goe; my master gave me command to bidd you name the enemy your selves. Put the sworde into his hands, and he will maintayne the warr. Make an entrance, and afterward it may be defrayd with profit. When you have declard whom you will have for your enemye, demand letters of marte, none shalbe denyed; and I have not bene so idle but I shall make propositions wher your selves may goe and have the hony of the business.

Lastly, my master commanded me to praye you to have regard of your owne healthe, and of the season; if you lose tyme, your mony cannot purchase it.

If in this reporte my weakeness hath injured the business, the Kinge, the State, the affayres of Christendome, I crave your pardon; my intentions were good.

Lord Treasurer. Mr. Pym reported that which was delivered by my Lord Treasurer in this manner:

My Lords and Gentlemen. I am to make unto you a declaration of the Kinge's estate, which I cannot now doe so perfectly as I woulde, beinge sodainely cald unto it by the Kinge in a remote place, where I want the use of my papers, and many thinges are now out of my memorye; what I have to saye I will devide into three partes. In the first, I will shew in what estate the Kinge's revennewe was left by his father; Secondly, in what estate he doth now stande; Thirdly, in what estate he is like to be for the future.

Under the first hed I will declare: 1. his debts; 2. his anticipacions; 3. his ingagments.

The state of the revenew when K. James dyed. The late Kinge of famous memorye was in debte to the Citty of London and others, for parte of whiche the Greate Seale was ingag'd, and for the rest the bondes of the Lordes of the

Counsell, which remaine forfited, the somm of 100,000 li besydes intereste. August 9.

To the wardrobe and other poore men in cryinge debts to a great valew, the certainty I cannot tell, but it is at least 40,000 li. To the Kinge of Denmarke 75,000 li, for which interest is payd. Arrears of pencions and other payments, so great a mass as I will not mencion; and lastly to the houshould a good somme, but the certainty I doe not remember. His debts.

Ther was anticipated upon his customes and revennew at the least 50,000 li. Anticipacions.

His ingagments were these: Ingagments.

To the Low Countryes for the mayntenance of 6,000 foote.

To Count Mansfeild to mayntayne 10,000 men in paye.

To rigge, victuall, man, and furnishe this great navy, the like wherof Englande hath not set forth in mann's memory.

All which ingagements were undertaken, as well for the defence and safty of the realme, as for the common cause of religion.

Thus was the revennew left; and now for the present state I am to note two thinges: 1. His Majestie's owne debts. 2. His disbursments. The Kinges estate in present.

And heare you must remember to his father's debts, anticipations, and ingagements, to add two other debts of his owne.

The first, when hee was Prince, which he borrowed uppon the security of his counsell, for this navy 20,000 li, for Count Mansfeild 20,000 li, and for other publicke services, so as in the whole is 70,000 li. Debts as Prince.

Till these occasions he was litle or nothing in debt; and for the discharg of this mony, the [a] which he had when he was Prince is also assigned, but will not suffice for the payment of it.

The other debte to be added is borrowed, since he was Kinge, Debts since he came to the crowne.

[a] "For payment wherof his Majesty hath engaged those lands he then had, and those commissioners' bonds," *i.e.* bonds of the Commissioners for managing his revenue as Prince of Wales.—Lords' Journals, iii. 484.

August 9. of the Citty of London, to pay the Kinge of Denmarke and other services 60,000 li.

Disbursments. His disbursments are these:

To the Kinge of Denmarke for on month's intertainement of 6,000 foote and 1,000 horse 30,000 li. For armes for the companyes 16,000 li. For the soldiers at Plymouthe and Hull [a] 16,000 li. For the mourninge clothes and funerall expences 12,000 li, and ther remaynes to be payd 16,000 li.

The charge of the marriadge, intertaynment and guifts of honor to ambassadors 40,000 li at the least. To the Queen, for her expences, 5,000 li. To the Kinge and Queen of Bohemia this last half yeare, 10,000 li. The furnishinge of the navy 300,000 li, and [100,000] li [b] is wantinge, wherof 40,000 li presently, and 60,000 li at their returne.

His Majestie's state in expectation. Now for the third, which is the state wherin the Kinge is like to be for the future, he remaynes charged with all these old and new debts, and with full interest for the tyme before Midsommer and since, accordinge to the statute.

Anticipacions. He hath anticipated upon the customes and revennewe to be dewe for the yeare insuinge the somm of 200,000 li, so as we are in question how to mayntayne him with bread and meate.

Ingagments. He stands engag'd:

| | | |
|---|---|---|
| To the Kinge of Denmarke . . | 30,000 li. | To be payd monthly. |
| To Count Mansfeild . . . | 20,000 li. | |
| For the supply of Ireland . . | 2,600 li. | |
| For the army in the Low Cuntryes | 8,500 li. | |

To the Queene for her allowance and diet [37,000] li yearly. To the Kinge and Queene of Bohemia 20,000 li yearly; besides other preparations for the defence of Inglande and Ireland, and for secondinge the fleete.

[a] Two thousand soldiers were brought over from the Low Countries for the Cadiz expedition, and two thousand newly levied troops sent, by way of Hull, to replace them.

[b] "10,000 li, MS.

His lordship concluded that he had omitted divers thinges before his tyme wherwith he was not acquainted, other since,[a] because they were not perfected, and hath not cast up the totall of these sommes, some of them beinge uncertayne, and himselfe no good auditor, nor havinge any at hand to helpe him. The daye was too farr spent to indure any longe debate. August 9. Debate touchinge Supply.

Mr. Treasurer urg'd the hazard of our reputation, if by our meanes so great an action should fayle.

Mr. Maynard spoke to the managinge of the warr, rather then to the supply of the Kinge; hee did not approve land service, nor letters of marte, but would have three poyntes commended to his Majestie, 1. The declaration of a warr; 2. A legue offensive and defensive with the Hollenders; 3. The erection of a West India Company.

Mr. Mallet. That, as in the Act of Tunnage and Powndage wee had varied from president to the Kinge's disadvantage, so in this case he would have us vary to his advantage. Parliaments never breake with the Kinge but they meet with loss. 12° on subsidy was propounded and denyed:[b] at our first meetinge in 18° wee gave two; then that Parliament brake, and the next wee gave 3 subsidyes and 3 fifteenes. Hee concluded that wee should first agree to doe som what, and leave the proportion to another question.

Sir Ro[bert] Phillips. Thoughe intimatinge his owne opinion against giveinge, yet mov'd only for a Committee of the whole House to morrow morninge, which was ordered accordinglye.

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## 10 Augusti, 1625.

Sir Dan[iel] Delme and Docter Pavie, physition of Glouce[ster], came into the House to take the oathe of alleadgiance and supre- August 10. Sir Dan. Delme, Dr.

[a] *i.e.* and others since his time.

[b] In the Parliament of 1614, 12° Jac.

August 10. macy, and their bills were read the second tyme for naturallization.

Pavie, naturalization.

Committee. Sir Nicho[las] Sanderson offered to speake of the great business, and was not permitted, because it remayned under a Committee, and ought not to be spoken to in the House before a reporte.

Ph. Burlimacke. Sir Robart Pye delivered a petition from Phil[ip] Burlimack concerninge an order from the Counsell of Warr to the Treasurers for the payement of 7,788*l.* 9*s.* 0*d.*, which hee could not receive by occasion of the stopp made by this House.

Mr. Glanvill delivered the like peticion for Captayne Harte for 3,984*l.*

Both were referd to a committee, to be considered of upon Frydaye next.

Sir Rich[ard] Weston delivered a message from the Kinge to this effecte:

His Majestie hath taken knowledge of your desyer to reforme many thinges tendinge to his perticuler service, and is well pleased with this your intention; but desireth you to take consideration of these poyntes: That this tyme is fit only for such matters as are of present necessity and dispatche; that the fleete stayes for your resolusion, and the season of the yeare is neare spent, though the opportunity be not yet past; that, if the plague should fall into the navy or army, all the action is lost, and if it should fall amonge yourselves, which God forbid, it will breed much danger and distraction, which his Majestie is loath to thincke upon. His desyer is that you will presently resolve whither, upon the important reasons delivered unto us, so much importinge his honor, you will supply his necessitye in such a proportion that he may send his navy; otherwise, if this will not move you, his Majestie will take more care of your saftie then your selves, because the sickness disperceth in this towne, and he will doe all as well as hee maye in such an extremitye, wherin he may so much suffer. But if you will give a present dispatch of the supply, he doth promise, in the word of a

Kinge, givinge you that Royall worde which he had never yet broken, nor given cause to mistrust, that you shall meete agayne in the winter in a more seasonable tyme, and stay together till you may bringe to maturitye those thinges which were propounded; and that his Majestie will then doe whatsoever belongs to a good and gracious Kinge. This is his message, and hee desyers you withall to remember that it is the first request that ever he made to you. August 10.

THE MASTER OF THE WARDES,[a] after a preamble of a reasonable lengthe, spake firste to the manner of our givinge; that it should be readily and freely, for which hee gave thes reasons: 1. the loss of the action, and therin of men, mony, and reputation; 2. the danger of the sicknes; 3. the increase of our thankes; for a kindnes gotten with difficultye is so farr from obliginge that *satis est si tali beneficio ignoscas;* 4. that ther might be a congruitye betwixt our offerings and the Kinge's favors. Debate upon the question of Supply.

In the seconde place he deliverd divers reasons why wee should give: 1. The reputation of the Kinge and kingdome, and of this House, being all ingag'd, if not by lawe, yet by a publicke declaration of our intentions. Those warrs have been ever most undoubted by other nations, which have been un[der]taken by Parliament. 2. The disastrous estate of the Kinge's sister and her posterity, beinge a lady incomparable by the testemony of her very enemyes. 3. The common cause of religion, the blessinge wee injoyd, whilest it was preserv'd, and the loss of those blessings since this coldness. 4. The holdinge together the Kinge's allyes, the most of them beinge tyed not by unity of religion, but reason of state, which you know is easily alter'd. 5. The defence of our neighbours, whome as wee suffer to be overcome, wee must expect the enemye to set next upon ourselves. 6. The preservation of his Majestie's sacred person, the nobility, and of ourselves; which he sayd he put in the last place, because his Majestie had put it in the ballance with all

[a] Sir Robert Naunton.

August 10. his owne great affayres, which fatherly expression breeds so transcendent an obligation that wee should thinck nothinge too deare for so gracious a master. He concluded that if all these reasons would not move us, he should apprehend it as a sadd period of his discourse, and a signe of some great judgment hanginge over us.

Sir Tho. German offringe to speake, was interrupted by a motion to pursue the order made yesterdaye for a committee, but it was conceived that the message interveninge gave the business divers new considerations, which were fit [now][a] to be delivered in the House.

Sir Tho. German. His opinion was to give; his reasons: 1. the difficulty of recoveringe reputation once lost; 2. our securitye from the Kinge's message of a fit tyme to doe the business of the Commonwealth.

Mr. Maynard proceeded from the generall to a particuler of one subsidye and two fifteenes, and amongst other reasons aleadged this, that my Lo[rd] Admirall had shewed himselfe by his last speech a man very capable and deservinge his office, a logitian, a rhetorician, and a charitable man. Another of his reasons was this:— Imagin wee were invaded; every man would then give, *Eadem est ratio contrarii;*[b] now wee goe to invade.

Mr. Chomly insisted upon presidents of doeinge the cuntrye's business first, and not to give twice in on session.

Sir Symon Weston propounded a way to save the breakinge of presidents by reportinge the subsidyes wee have graunted, and to make a new intire guift with some addition.

Mr. Delbridge opposed that heartofore wee had hopes and expectations wherwith to please the cuntrye, though wee gave away their mony; now ther are nothinge but discouragements, pardons to Jesuites, the newes from Rochell, for which towne wee have heartofore had publicke fastinge; the interruption of the fishinge trade, the losses by pirates; so that, wheras wee returned

[a] Blank in MS., filled up by conjecture. [b] "contrarior" in MS.

the last tyme with fastinge and prayer, now wee may retorne with sackclothe and ashes. August 10.

Sir Rob[er]t Phillipps propounded, first, answers to the arguments for supply, then reasons against it. His answers were these. 1. That it is not for the Kinge's honor. Reputation is a great advantage, but it is not built upon every action, but upon such as have a sure ground. All wise states doe in their counsells leave as litle as maybe to chance: if this designe be not soe, then is it no honor to set out that which will bring us a hazardous retorne. 2. Necessity in every Parliament a pressinge argument, and on of those thinges which can never be satisfyed. If his Majestie's honor be in question, and he in such necessity, they who have brought him to this streight have dishonerd the Kinge, and if they have soe ill disposd of the Kinge and the state as that he cannot furnish so small a supply, they must have the merrits of their owne counsell. Our ancesters in the like cases, when they have bene prest as wee are, have taken occasion to looke into the estate of the Commonwealthe. 8 H. 3, a supply was demanded, the people refusd it, unless they might have a firmation of their libertyes. 10 R. 2, upon the like motion, a view and serch was made into the disorders of the tyme. In Gascoine['s] story of H. 6 it is written that the Duke of Suffolke made a marriadge for the Kinge, wholye possest the government, caused an alteration of landes, did incroache upon the honor and dignity of the kingdome, etc., and that Duke which, the Parliament before, had an Act of applause, had there, viz. H. 6, an Act of censure, and when hee was layd by the reformation followed. Against givinge.

When the Blacke Prince tooke the French Kinge, a Parliament was summonde at Paris for his redemtion; the Dolphin propounded assistance; they tendered their greevances; he put them off from tyme to tyme, but in the end was faynt to conply with them. In Spayne, when the Kinge desyerd a warr against the Moores, and called his people, proposinge an ayde by his Ministers of State, the Conde de Laro stept up, and advis'd them to give nothinge till the

August 10. people were released. Wee are the last monarchy in Christendome that retayne our originall rightes and constitutions. Either his Majestie is able to set out this fleet, or it is not fit to goe at all. Wee ought nether to feare [nor][a] to contemne our enemy. If wee provide to set it out, wee must provide to second it too; for without a second it will doe nothinge but stirr a powerfull Kinge to invade us.

Hee added the safty of keepinge to our presidents, the meannes of the some required, the unfortunate counsell that brought us hither, the opininge the Kinge's necessity in such a manner as will bringe us into contempt abroade; and concluded with two motions. 1. That Sir Ro[bert] Mansil might be commanded to declare his knowledge with what deliberation and counsell this designe hath bene manadged. 2. To appoynte a Committee to prepare an answere for his Majestie, and reasons why wee cannot give.[b]

Reliefe of London. By a former message the Lordes had desyerd that the Committees might meet in the afternoone at a conference concerninge the petition about the pardon, etc., and now, by a second message, they prayed that the same Committee might be authorised to receive somthinge from them concerninge the reliefe of London, which was graunted.

For givinge. Sir Roger Northe. When this was first propounded by the Kinge's minister, he had a resolucion not to give. His Majestie['s] answere concerninge religion, the extremity of the wantes, that it is the Kinge's first request, the promise of a more convenient meetinge, the dangerous consequence of a bitter partinge, had now alterd him, to consent to on subsidye and two fifteenes and no more.

Sir Humph[ry] Maye. Let no man despise ancient presidents; no man adore them. Examples are powerfull arguments, if they be proper, but tyme[s] alter; every parliament must be

[a] "not" in MS.

[b] "Why we cannot now give; and yet to give him an assurance we will, in due time, supply all his honorable and well-grounded designs."—C. J. i. 814.

wise with his owne wisdome: hee valewes more a dram of wisdome fit for the present, then a mountaine of wisdome that was fitted for 500 yeares past. The first Parliament of Kinge James graunted two subsidyes and four fifteenes, and afterward when the Kinge's wants were opened by my Lord of Buckhurst, added on subsidye and two fifteenes more.[a] Men of good affections have knowen to give ill counsell; if wee goe this waye, *mors in ollâ*: If all our enēmyes were heare, and had voice, would they not say give not? Let us never followe the counsell of an enemye. Gyve at this tyme, because it cannot be given at another so seasonablye. August 10.

Sir Fran[cis] Seymor. The causes of this necessity are more fit to be opened then the necessitye itselfe. It hath not proceeded from want of great somes of mony, if wee consider what hath bene received by former grauntes in Parliament, by prerogative, benevolences, and monopolies; but these great somes have come to particuler men's purses; how should so many men els be raisd to so much greatness, as nothinge can maintayne but the Kinge's land? Wherfore it wilbe fit, both for the Kinge's honor and necessitye, that ther be an act of resumption, that so hee maye be supplyed with his owne. The Kinge is the fountaine of honor, and yet that hath bene made a marchantable commoditye to be obteyned by mony rather then by desert: 140,000 li is computed to have bene gotten this waye. Who will bringe up his sonne in learninge when mony is the way to preferment. The price of a sergeant is as knowen as the price of a calfe; and they which buy deare must certainelye sell deare. If his Majestie heare not of this by us, he shall never heare of it in his bedchamber. Hee said he was not satisfyed touchinge the ground of this dessigne, and hath heard nothinge to beleeve that it proceeded from good counsell. That which was taken into consideration by the Counsell of Warr and the Lordes was the proportion of mony, men, and munition, not how they should be employd. Ther is a thinge that makes Against givinge.

[a] In 1606.

August 10. him most against givinge, which hath not been yet observd; that a member of the Upper House, under culler of a message, should press the Commons with arguments for a subsidye. That it is the Kinge's first request moves him not so much. The Kinge's desyer may be as well alleag'd at any tyme. It is unlikely he should be in such great want as not to be able to disburse 40,000 li, and unfit for us, for such a some, to deliver up the priviledges of the House.

For givinge. Mr. Chancellor of the Exchecquer.[a] It is tyme now to give over our distates and disgusts; his Majestie's promise securinge us of another meetinge for the Comonwealthe. These disorders have not been in his Majestie's tyme, and have [been] such only as a longe peace is apt to breed. It is our happyness to have such a Kynge who, by the order of his owne life, doth assure us he will reduce all other thinges to a better frame; who so lives, as if hee had alwayes before him that sayinge of Ferdinande: "To be a Kinge is fortune: but to be a good Kinge is virtue." What is to be desyerd of a Kinge which wee have not from him in effect or expectation? Wherfore let us retorne his Majestie an answere with the same respect wherwith he hath declared himselfe to us; that like a lovinge father he may not feare to meet his enemye in the face, havinge so many lovinge sonnes about him. It is sayd that 40,000 li will serve the turne. A shame to want it; more shame to deny it. If land, plate, or jewells could have [procured] [b] it, wee had not now bene troubled. Howsoever he waighed his honor and his business, the most modest Prince was loth to press his subjects in an unfit tyme. Would it now be seasonable to looke into his estate? But neither paper nor records are at hand to build so good a worke upon. He concluded with a desyer to put the question: Whither supply, or no supply?

Sir Guy Palmes. For the disorders in H. 7th's tyme, Empson and Dudley were hang'd in H. the 8th's tyme.

[a] Sir Richard Weston.

[b] Blank in MS.

SIR GEORGE MORE. To put the question. August 10.

MR. DRAKE. That poore men under 5li might be spar'd.

SIR RO[BERT] PYE. The diseases of the state are not incureable, yet to be redresd by no meanes but by this House; wherin he doubted not but to acquaynte the House with some thinges which should be usefull, and was afrayd of none, or did so much care for his office as to neglect his duty to the publicke. He confest he had bene raisd by him that [was] now at the helme, yet he would not but these thinges had bene spoken, hopeinge that lorde will make a good use of them, and become an instrument of much good hear-after. And when tyme serves for a reformation he would speake as boldly as any man, and bee as forward himselfe to be an instrument of it. For the present hee wisheth wee should give the Kinge contentment that wee may not open a way to the enemyes of the State to make up their owne fortune by hurtinge the publicke.

SIR THO[MA]S WENTWORTH. The worde ingagment a prejudiciall worde, as if wee were less forward then the last Parliament. That they pretend the wante of 40,000li; he feares somewhat which may press us more in poynte of disadvantage then the somm. He is not against givinge, but against this manner, to put us upon these sleights to give, or els to adjorne. The course of subsidyes is not to be heddy, but to runn softly; let us first doe the business of the Commonwealth, appoynt a committee for petitions, and afterward, for his parte, [he] will consent to doe as much for the Kinge as any other. Against giv-inge.

MR. RECORDER expressinge his good opinion of the counsells in this designe, his [advice][a] that wee should parte fayre, howsoever confessinge the prejudice in poynte of president, both from the tyme wher we can doe nothinge for the Commonwealth, and from the place as if wee [were] forst to give to avoyd jornyes; yet concluded at tyme[b] to satisfye the Kinge, as a parte of our thankefullness to God for the satisfaction he hath given to our petition of religion; For giving.

[a] Blank in MS.

[b] "at this time" [?]

August 10. and to shewe that presidents are our servants, not our masters, and that wee will not, for so small a some, suffer so greate an action to perrish.

Mr. Rolles. That there was no such necessity, and yet, if it were admitted, it was no sufficient reason, as well in respect of our other greevances, as that wee shall have litle hope of this navy to do good abroad, that cannot keepe our owne coasts from beinge infected by Turkish pirats.

Sir H[enry] Mildmay. Ther are shipps appoynted for guard of the coasts. The Kinge's answer to our petition was the cause of our callinge; and, since he hath shewed himselfe protector of the ghosple, let us inable him to performe that protection: To put that question.

Mr. Glanvill. The disputes against supply are greater in nomber, and waightyer in reason. The wisdome of this House hath not in this case usd to rush so farr, as to a question, till it be sure to be graunted; for as it wilbe a dishonor to the Kinge if it be denyed, so to pass with difficultye by numbringe of voyces will take away the merrit from us. He had heartofore spoken against the Bill of adjornment, knowinge what inconveniences new courses use to produce. Presidents are not to be neglected; subsidye[s] have ever come in the last place. It is a prerogative, questionless, for the Kinge to call Parliaments when he pleaseth; our ancestors that could not take that away, set up as a counter prerogative in that they had power to treate of businesses in their owne order. In Q[ueen] Eliz[abeth's] tyme ther was never meetinge but to reforme greeivances. To press us so hard at this tyme differs not much from acknowledginge some kinde [of] error in callinge us hither. Before the fleet comes backe wee shall meete againe; in the meane time it cannot be thought the Kinge shall want credit for such a somme. Hee would not have it sayd the subjecte came hither, and spent 7,000li a weeke only to graunte 60 or 70,000li. If wee crowne such counsells with success, wee shall incoradge those who were actors of it, and confirme their opinions that Parliaments may be brought to

serve tornes. Hee concludes for a committee for the drawinge a petition, which might be accompanyed with some such protestation as shall credit the Kinge more then 60,000li. August 10.

Mr. Speaker moved, That wee should give the 35,000li which was dew to the cuntrye for levyinge of soldiers, and was ready in the Treasurer's handes.

Sir Ed[ward] Cooke made a longe discourse of the leake in the Kinge's estate, of the qualityes of a counsellor, of the danger to great men if they misledd the Kinge, or affect to goe alone against the counsells of other men, and voucht the president of Hugo de Burgo, 9 [Henry][a] 3, of ambition, that ther were no Dukes betwixt the Conquest and [Edward][b] the 3d's tyme. He voucht the president of Segrave, *Summus Justiciarius Angliæ*, 50 Ed. 3, John [of Gaunt] and Lord Latimer; 11 H. 4, 11 H. 6, the D. of Suffolke. That heare had been evill counsell: 1. to provide a navy and not to have mony sufficient to goe thorough with it; 2. to bringe us from Westminster hither in the tyme of sickness.

Concluded not to give, upon two reasons: 1. that it was against president; 2. it cannot be levyed in tyme for this service, and if it be anticipated, 8li per 100li wilbe lost. Yet for his owne parte he would give a 1,000li as a privat man, not as a Parliament man; and that willingly, notwithstanding all his crosses, and hoped those of the Kinge's counsell would do as much.

Sir Rob[er]t Maunsell. That ther was no trew and judicious course taken in our meetinge at this tyme. Woulde have no question put, yet offered 200li of his owne fortune. Then fell to justifye his owne proceedings; wheras ther had bene speech of consultation with the Counsell of Warr, he was not at any debate since February last, where some generalls were propounded but nothinge concluded. When he heard the direction given for 10,000 men, hee refused to deliver his opinion in the presence of Sir Jo[hn] Cooke, beinge no Counsellor of Warr, nor of State. Yet hee

[a] "Ed." in MS. [b] "H." in MS.

August 10. thought that proportion to no purpose, beinge such as would galle the enemy [rather] then hurte him; and doubted not but to offer a proposition which shall produce such effects as will procure the restitution of the Palatinat. Afterward my Lo[rd] Conway tolde him the resolution would admit no debate. Their advise was asked only concerninge 2000 armes. He answerd, that he protested against the business itselfe.

This longe debate ended only in this order, That the House tomorrowe morninge should sit in a committee to consider what retorne to make to the Kinge.

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## 11 Augusti, 1625.

August 11. Severall informations were given of divers injuryes don to his Majestie's subjects upon the sea and sea coasts by the pyrats, Dunkerkers, Rochellers. The particulers of the pyrates were these.

Pirats upon the Westerne coasts.

Multitude of captives, and their cruell usage. By Wm. Leg's letter from Saly in Barbary, 7 Junii, 1625, taken in a shippe of Milbrooke, sold at Saly, tormented to yeild to a high ransome; of 18 other shipps brought into the same place of his Majestie's subjects, 800 men captives at this tyme. The cruelty usd in cutting their eares, forcinge them to eat them, burninge other, and almost starving others. The excessive ransomes, 1500, 1000, 800, 600; the meanest, 300 duckets. Divers forst to turne Turkes.

By the examination of Rob[er]t Dollinge, 30 Julii, 1625: That the 23 of July, he was taken, 8 legues from the Landes End, by a pyratt of Saly, his shipp beinge 130 tunes, and the men caryed away, himselfe and on more freed by the mediation of a Dutch man of warr that came that way by chaunce; that 14 other pirat shipps lay about Saly, had taken fower other shipps of his Majestie's dominions, wherof on was of Plimmouth of 100 tunes.

By a letter from John Barker of Bristowe, 9 August, 1625, of

great spoyle, within 14 dayes last past, upon our coasts and the coasts of Britany, and on shipp of Milbrooke, laden with suger worth 9000li at least, beside good store of plate; on other shippe laden with Virginia fish. That they landed on the Iland of Croy in Brittany, and caryed away about 400 people. They have taken of sundrye nations, within two monethes, above 50 shipps and 1000 men; in so much as scarce any dare put to sea, to goe from porte to porte. August 11.

That the northe coasts were very much pesterd with another kind of pyrats, who had donn a great deale of mischieffe, and gave themselves out to be Dunkerckers. Dunkirkers.

By a letter from divers marchants of Bristowe, 8 Julii, 1625, of divers shipps of Bristowe taken at Rochell by the Mayor of Rochell, with all their munition, victuall, and other provision, and imployed under Monsieur Sabiese[a] against the French Kinge, puttinge the men on shore at Rochell, without givinge them any allowance.

It was alleadged on the behalf of my Lord of Buckingham that, upon the sollicitation of my Lord Russell, Lord Lieutenant of Devonshire, he had given directions that Sir Fra[ncis] Steward, with a competent nomber of shipps, should goe against the pirats.

Sir Rob[er]t Mansfeild affirmed that if this were referd to the Counsell of Warr, they would undertake to redress it, or els answere it with their lives.

Mr. Glanvill. That the Kinge's shipps doe nothinge, goeinge up and downe feastinge in every good porte; which was confirmd by Mr. Shervill burgess for Plimmothe.

Sir R[obert] Maunsell. That the directions were naught, and that all the dangers grewe by our ignorant courses.

Mr. Whitson. That ther was a barge taken in the sight of Sir Fra[ncis] Steward, and the Kinge's shipps, which they let alone, sayinge they had no instructions to goe upon the coasts of Fraunce.

[a] *i.e.* Soubise.

August 11. Sir Ed[ward] Cooke. That he had seene a notable record for the Kinge's jurisdiction of the sea to the very coasts of Fraunce.

Sir Walter Earle. The tunnage and powndage is graunted to the Kinge in consideration of his gardinge the sea.

Mr. Rolles. 25 Ed. 3, there beinge the like graunte, the merchants, beinge robd, desyerd they might receive the mony, and they would secure themselves.

Sir Rob[ert] Maunsell. The defence of the kingdome is on [of] the considerations mencioned in the last act of subsidye

Sir Fra[ncis] Seymor. Let us lay the fault where it is; the Duke of Buckingham is trusted, and it must needs be either in him or his agents.

Sir Rob[ert] Phillips. It is not fit to repose the safty of the kingdome upon those that have not parts answerable to their places.

A Committee was appoynted to consider of these complaynts, and to frame a petition, upon which wee might joyne with the Lordes.

Sir Ed[ward] Cooke made a report of a double conference with the Lordes.

Petitions concerning the Jesuite's pardon. The first was concerninge a petition by occasion of that pardon and Secretary Conway's letter, which begunn from us, and the Lordes made this answere:—That their Lordships thought the matter of the pardon fitest to be intimated to the Kinge, when wee should give him thankes, for his grace in the answere to our generall petition concerninge religion: [the] [a] rather, because they knew that pardon was drawen from his Majestie by strange importunity of the French Ambassador. 2. That it was in agitation before the Kinge's message to us. 3. That the Lorde Keeper refused to make a *recepi*, endeavoring to staye it, but importunitye did prevayle. By occasion of this, their Lordships spake of an Italian booke newly printed, wherin is recited an order of the Church of Rome, that no Ambassador shall come into this cuntrye

[a] "they," in MS.

without a Jesuite. And for conclusion of this poynte the Lordes have ingag'd themselves to move the Kinge that he wilbe pleas'd to graunte no pardon to any preist before attaynder. August 11.

Sir Ed[ward] Cooke added of himselfe, that this was conformable to ancient statuts, but that a wicked worde of *non obstante* marrs them all. To the second branch of the petition they propounded an excuse in Lord Conwaye's behalfe, that the Kinge was so prest that he could not chuse but doe somewhat, and that he tooke this course by his owne private letter as least offensive. See more.

The other parte of the conference mov'd from the Lords, and was concerninge the releife of London in this tyme of the plague; touchinge which their Lordships had fram'd an order, in which they desyerd us to joyne (the coppy wherof was read) to this effect :— Releiffe of London and the places adjacent.

That persons taxed or taxable in and aboute London, beinge not impoverished, shall beare a double proportion at least duringe this tyme of infection, and more, if it be thought requisit. And wheras divers are remov'd so farr as no notice can be given them for supply, in the meanetyme it is thought expedient that the Cittye of London be intreated, out of their Chamber, or out of the stocke of London Bridge, to lend 1000 li to be repayde out of this taxation, or out [of] a collection to be made thoroughe out the kingdome, for which it is held necessary his Majestie's letters patents be made to some fit men to be nominated for that purpose.

It was ordered that wee should joyne with the Lordes in thankes for his Majestie's answere, and to desyer the inrolement and exemplification of the same, accordinge to old presidents. And, wheras anciently every knight of the shire was wont to have a coppye, which cannot now conveniently be donn, it is nowe desyerd that these answeres may be printed.

The other business concerninge the releiffe of London, etc. was committed, and the Committee appoynted to sit in the Phis[ic] Schooles in the afternoone.

August 11. The House was torn'd into a Committee.

Debate of the question for Supply. In the Great Committee it was mov'd that the Kinge's message might be repeated, and that motion oppos'd by Sir Tho[mas] Wentworth, and others: but after some debate it was admitted.

Sir H[enry] Martin. Subjects may falle into two extreames, [*abrupta*][a] *contumacia* and [*deforme*][b] *obsequium*. He would advise the meane, prayinge that his Soveraigne may desyer nothinge but what is fit to be graunted, yet if he doe, he would have it denyed in such a manner as may appeare wee take no pleasure in it; to deny the thinge, not himselfe. The Comonwealthe standes in need of phisicke, and likes the medicines, but doubts that August is no good season to apply them. Tiberius was wonte to saye common persons are counsel'd by profit, Princes by fame; and therfore he would examin this proposition by profit. We must take it for graunted there is a nesessitye, and that it cannot be supplyed otherwise. That admitted, he fram'd his dilemma:—Either the mony already disburs'd hath bene well layd out and the dessigne well grounded, or not. If well, then it is no good husbandrye, by lettinge it fall, lose both the hopes and the expences. If ill imployd and ill grounded, then, by not givinge, we shall put into their mouthes an excuse, drawinge the blame upon us, and keepinge them from beinge responsable. If the first, then to give is profitable *omni modo;* if in the second *aliquo modo*. He tooke away divers objections thus:

1. That the proceedinges have been upon good counsell. It is not fit for us to knowe the dessigne, and wee cannot judge of it without knowledge, alleadginge the example of Themistocles' project, [which] the Athenians commanded him to discover to Aristides.

2. That we are infected abroade with Dunkirckes and pirats, and shalbe more if this fleet goe. Other provision is made to prevent this, which we must trust upon.

3. Supply ought to be in the last place. Though the tyme be somewhat inverted, yet ther is an assurance of *quid pro quo*. Reme-

[a] "obrupte" in MS. [b] "depune" in MS.

dyes are ever of slower opperation then deseases; ther is a tyme dessign'd, wherof his Majestie hath assur'd us, when the desease may be opened and phisicke applyed. Besides wee are not altogether without satisfaction. The answere concerninge religion is worth a great deale of mony. So is the takinge away of this odious intollerable power of ambassadors:[a] the Lordes offeringe to joyne with us to that purpose. August 11.

4. This should have bene mov'd before we were put off at London. If wee be wrong'd, we must not wrong the publicke. We will not breake the instrument, if he be out of tune; neither is it good, too narrowly to observe the obliquityes of the State; and if hee, at whom the exception is now taken, were the author of that obliquity, ther was a tyme when he set the instrument in tune that was long out.

5. Wee are consum'd with the plague alreadye. If warr be added, the Commonwealthe will hardly beare it. He will cast no aspertion upon former tymes, but the staffe was crooked by affectinge too much peace. To make it right it must be bowed another waye.

Wee are an Ilande and cannot subsist without trade. As trade must mayntayne our armes, so the reputation of our armes makes our trade safe. It concernes us to have a marshall Prince. A subsidye is quickly lost at sea. Let us take heed how we discontent a Prince whom we have put into a course of warr.

Sir Fr[ancis] Seymor profest his former opinion against givinge, but without any new reasons.

Sir G[eorge] More remembred a president 39° Eliz.; when ther was a subsidye given and two fifteenes. The Parliament sent a message to the Queene with an offer of a further supplye. Her Majeste's answer was, she would serche the bottome of her owne coffers before she would drawe any more from her subjects.

Mr. Alpharde. Wee shall meet agayne before any more be payde.

[a] Of foreign Ambassadors interceding for the pardon of Priests.

August 11. Mr. Whisler. Ther can be no ingagment. If ther were, yet is ther no honestye to performe it when it concernes the cuntrye that wee should not.

Sir Ro[bert] Kiligrew. [Not to][a] put the question, for it is a greater disgrace to be denyed by a fewe then by all.

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## 12 Augusti.

August 12. Releife of the parishes neare London. Sir R. Pye reports the resolucion of the Committee concerninge releavinge the 9 out Parishes neare London:—That a collection should be made in the House, of every Knight x$^{s}$ and Burgesses v$^{s}$, which was confirmd and exequuted presently; and added that all such as were absent should paye double.

Sir Ro. Mansel. Mr. Sollicitor desyerd to give the House satisfaction concerninge Sir Rob[er]t Maunsell's speeches, wherby he had contradicted my Lord of Buckingham concerninge the consultations, and bred an ill impression in the House touchinge the great action now in hande.

In December last it pleased the Kinge by his letter from Newmarket to declare his pleasure to have the fleete made ready. In the same moneth, Sir Robt. Maunsell, Sir Jo[hn] Cooke, and Captayne Love received commandment to meet often with my Lord of Buckingham, and Sir R[obert] More was present at least 10 or 12 tymes, when by examination of mapps and plotts, it was debated how they might best annoy the Kinge of Spayne. The Lordes of the Counsell of Warr were often call'd. My Lord of Chichester hath left papers how farr he agreed with them. My Lord Cary [b] is not now in towne, but ther are some who can testifye that he hath acknowledged the paynes taken in this business, and with what contentment he had bene at it. The Lord Harvy came

[a] "Put" in MS.

[b] Carew.

in late; but my Lord Brooke and my Lord Grandison will come August 12.
downe and speake their knowledge to the House, if wee please: Divers places were propounded and presented to the King. It is trew Sir R[obert] M[ansel] was full of meditation upon his owne divises, which, though they seem'd probable to himselfe, did not give others such satisfaction. In Febru[ary] he gave over upon discontent; and ther be those that can witness that he sayd, if he might not have his owne desyer, he would meddle no more with the business. Afterwarde he never came to the Counsell, and if he were present upon other matters, they were unwillinge to comunicate these matters with him: but all thinges were debated and agreed upon by the Counsell and the officers; and the Kinge, from tyme to tyme, made acquaynted with it. Thus it hath pleased the Kinge to propownde to himself a great action; the poynts of the dessigne is to be knowen but to very fewe. But if the fleete should goe awaye with a blast it will weaken the hands both of his freindes and of his subjects. Hee added that yesterdaye he met with Sir Ed[ward] Cicill who knoweth the dessigne, and upon his life and honor it is both very probable, and not newly thought upon, but hearetofore continued[a] by the Prince of Orenge.

Sir R[obert] Maunsell. That once he was made acquaynted with a dessigne, but protested against it. He consented to furnish the Newcastle shipps, but in the dessigne did oppose Captayne Love, thoughe he knewe not the Prince of Orenge's reasons. But if this be the same dessigne, thinckes he should torne him. This [he] spake of his owne cause of discontent neglected in the proffer of his owne plot which he propos'd to the Counsell. My Lord Chichester gave his opinion of it; my Lord Cary put it off, and at that tyme my Lord Admirall spake with as good judgment as ever he heard. That after, when it was presented to the Lordes agayne, they rejected it, tellinge [him] he must repayre to my Lord of Buckingham, who only had Commission from the Kinge to consider

[a] [?] "contrived."

August 12. of new propositions. But he, havinge receiv'd an injury from my Lord of Buckingham (by procuringe a lease in reversion over his head), would not goe to him any more, but protested to them that if they were not in an error he was a traytor. And this was about February last. This, he said, he spake not concerninge the present dessigne, but that which was then propounded; and therefore desyer'd that none of his wordes might hurte the Kinge. For any thinge he knowes, it may be, and as he thinckes it is, a brave dessigne.

Commission for dissolving the Parliament. It was commonly knowen that the Kinge had made out his Commission for dissolvinge the Parliament; wherupon Sir R[obert] More mov'd that wee should send some humble message to his Majestie desyeringe longer respite, both for his business and the Commonwealthe's. This was seconded by some others that feared the evill consequence of such an abrupt partinge, but opos'd by Sir Rob[er]t Phillips. That rumors were no warrant for our beleife, nor for such a message. Wee ought to goe on in our business, and when wee receive any such notice of the King's pleasure, to obey it. So, without further debate, the House resolv'd itselfe into a Committee.

In the Committee it was movd wee should fall to drawe reasons of our refusall: opos'd by Sir Rob[er]t More as not seasonable, because wee had not yet refus'd. And that we might not refuce, Sir Francis Nethersall prest the danger of the Imperiall Diet to confirme the Bonn.

Against givinge. Mr. Sherland. Against the arguments for givinge: 1. That it will expresse our love to the Kinge: *amare* and *sapere*[a] is to love the Kinge [so] as not to neglect the Comonwealthe. 2. We shall distast his Majestie.[b] Arguments *a terrore* irritat more then perswade. 1 H. 5, the Commons desyer the Kinge he would keepe his promise for exequution of the lawes better then heretofore. This did anger the Kinge, but the blame rested upon them that had given

[a] "sapare" in MS. [b] "his Majestie's Arguments" in MS.

him ill counsell. 3. To the Delemma, If the plot good, pitty to lose it; if badd, not to take the fault upon ourselves; though it were good, wee cannot give without wronginge our successors, and if that mony which is bestowed already be cast away, ther is no wisdome in puttinge more to it. [4.] The great necessity. But it hath come into the Kinge's estate by a posterne gate, and to have avoyded it, those which gave this counsell might have spared their workes of magnificence. 5. Wee shall please the Papists. The Divell sometymes is against good for an evill end. August 12.

He proceeded to some reasons of his owne. In poyntes of prerogative or priviledge we ought to hold chiefly to president; since K. John's tyme never any like this, and yet ther have bene as great necessityes. 2. The more easy the people are to supply, the more carelesse princes are of their revennewe. 3. The doubte that subsidyes may growe to a revennewe, as in Spayne and Naples those which were voluntary contributions are now made certayne and dewe. 4. Our story mentioneth no levyes against lawe which have not bred tumults and commotions; out of which he derived an answere to the argument of the Kinge's first request, in that his Majestie is wise, and better to be perswaded then a multidude in the cuntrye.

Mr. Alpharde propounded three heds of declaration to the Kinge: 1. thankes for his answere concerninge religion; 2. for his care of our healthes; 3. a profession of our love and affection to his Majestie.

Mr. Glanvill. Their are divers wayes of declaringe ourselves to the Kinge, sometymes by message, by petition, by committees, by entry of some Act or protestation amongst our selves. Hee doubted wee had not tyme for any of the former, and therfore advised the later way; and to that purpose presented the forme of a protestation, ready drawen in these wordes:—

Wee, the Knights, Citticens, and Burgesses of the Commons House of Parliament, beinge the representative body of the whole Commons of this Realme, abundantly comforted in his Majestie's

August 12. late gracious answere touchinge religion, and his message for the care of our healthes, doe solemnly protest and vowe before God and the worlde, with on harte and voice, that wee are all resolv'd and doe hearby declare that we will ever continue most loyall and obedient subjects to our most gracious soveraigne Kinge Charles, and that we will be ready in convenient tyme, and in a Parliamentarye waye, freelye and dutyfully to doe our uttermost indeavour to discover and reforme the abuses and greeivances of the Realme and State; and, in the like sorte, to afforde all necessary supply to his Majestie, upon his present and all other his just occasions and dessignes; most humbly beseechinge our ever dear and dread soveraigne, in his princely wisedome and goodness, to rest assured of the trew and harty affections of his poore Commons, and to esteeme the same, as wee conceive it indeed, the greatest worldly reputation and security a just Kinge can have, and to accompt all such as slanderers of the people's affections enemyes of the Comonwealthe, that shall dare to saye the contrarye.

Sir Ed[ward] Villars would fayne have blowen some life into the motion for givinge, but Sir Tho[mas] Wentworth replyed that, beinge under the rodd, wee could not with credit or safty yeild; and, since wee sate heare, the subjects had lost a subsidy at sea.

Mr. Glanvill's draught was past in the Committee. The Speaker cald to the Chayer, reported to the House, and past; and ordered that a coppy therof should be presented to his Majestie by all the Privy Counsell of the House, together with Sir James Fullerton and R[obert] Cary.

Word was broughte that the Gentleman Usher with[a] a message [from] the Lords attended at the dore.

Declaration for acquitall. It was mov'd, To make a declaration for the acquiting of those who were likely to be questioned for that which they had spoken.

Sir R[obert] Phillips. Ther hath bene litle effect of such

[a] "in" in MS.

declarations. The last Parliament, some went to the Tower, some were banisht into Irelande, notwithstandinge such acquitalls. For his part, if he were questioned, he desyerd no other certificat but the testimony of his conscience; in confidence wherof he would appeale from Kinge Charles misinform'd to Kinge Charles rightly inform'd. To which the Speaker replyed, that he was on of those who were sent into Irelande; but he tooke it not for a banishment; he was well received when he came home, made a sergeant and the Kinge's servante. August 12.

The Gentleman Usher was cald in, who signifyed from the Lordes that they had received a Commission from his Majestie, and desyerd the House would be pleased to come up with the Speaker, to heare the same exequuted, which was accordingly perform'd, and the Parliament dissolv'd.

# APPENDIX.

## I.

## DEBATES AT OXFORD.

[Harl. MSS. 5007, fol. 75.]

The Parliamente begann att Oxford the first of August accordinge to the adjornmente, the divinity Schole beinge the place for the lower howse, and the galleryes over the Schole for the upper [ho]use, and Christ Church taken upp for the King and his great officers, the King and Queane beinge then att Woodstocke. The howse beinge appoynted by order att London to be cald on the fourth sittinge daye, litle was done untill that daye but the readinge and preparinge of some billes; and on the fourth daye, which was Thursdaye, both howses were appoynted to meete in Christ Church hall att 9 a clocke before his Majestie; where hee first himselfe speake unto them, shewinge them his wants, and the greate necessitye hee had of money to sett out this fleet; which could not bee done without theire supply. Then speake The Lord Conwaye, the Kinges Secretary, of the State of Christendome, how much it was advanced of late, and yf wee should now retracte, what a dishonor it would bee to his Majestie and this Kingdome, and a dishartninge to his allies, and joye to the enemyes. And then also spoke Sir John Cooke, by the King's appoyntemente, of the preparation of the Navy, and of the chardge of it. Which speeches beinge ended, our howse went into their howse agayne, and then resolved to debate the same the next daye; and soe for that tyme rose, it beinge dinner tyme.

August 1.

August 4.

Die Veneris 5^to^ Augusti, 1625.

August 5

Sir Edward Coke. In Kinge Edward the third's tyme, whoe was a valiante and a wise King, the Clergy did petition to his Majestie for three things: for the mayntaynance and preservation of religion; for a peaceable governmente; and for the continewance and increase of love betweene the King and his subjects. Was that peticioned then, and is it not needfull now? Hee is afrayd some ill starr hath ruld that hath brought us hither; but the place where hee is now in, the diuinity Schole, putteth him in mind not to feare any evill, but to put our trust in God; for suerly wee have a gratiows and a religious King. And are there noe more presidents to this purpose? Yes: in the tyme of that stout and valiant King, Henry 4, you shall find that the Comons perceiveing things to goe awry, did resort unto the King by peticion, whoe rectified the same; see the Rec[ord] 9 Henry 4. Two things were urged against us very strongly to give: first our ingagemente; 2ly the King's necessitye. For the first, our ingagemente by the howse, it was noe other but that yf the King would turne his weapon against the right enemy, they would supply him in a Parliamentary course. And for the other argumente of necessitye I find in Bracton, a father of our lawe, that there is a three-fold necessity, *necessitas affectata*, *inevitabilis* or *invincibilis*, *et ymprovida*. That this not *affectata*, in his conscience hee dareth acquite the King; that it is *invincibilis* or *inevitabilis* hee doth not beleeve; God forbidd that his Majestie should bee put to that pinche; that it is *ymprovida* hee doth veryly beleeve; and therefore he thincketh that in respecte it hath growne by ymprovidence, and is not inevitable, not fitt to bee supplyed by the howse. Offices ought to bee held and used by men of experience and understandinge, of good yeares, discretion and judgemente to execute such offices, or else they were voyd in lawe; and soe bee our bookes and law cases: 3 Elizabeth, Dier. Scrogs' case, and many other bookes. And a Kingdome can never bee well governed where unskillfull and unfittinge men are placed in greate offices, and hold the great offices of the Kingdome; for yf they are unexperienced and unskillfull themselues, they cannot execute them nor make choyce of fitte men under them, by reason of want of experience and judgemente. Neither are young and unskillfull persons to bee trusted with such great offices;

besides multiplicity of offices to bee held by one man, is a great prejudice to the meritt of honor and his Majestie's well deserevinge subjects; and, by this meanes, that which was wont to bee thought fitt to advance divers, as their rewardes for theire good service, or a token of his Majestie's favor and grace, and bestowed onely uppon men of great desert both of King and Kingdome, is now held and ingrost by one man onely; which is neither saffe for his Majestie, nor profittable for the Kingdome; and whereas the Kinge might[a] antiently have rewarded many by one of these great offices uppon one of his servantes whom hee found most fitt for it, and another, and by such meanes keepe his revenew to himself, it is now come to passe that, by ingrossinge of offices, his Majestie's Exchequer standeth chardged with many pentions for the reward of service, att least alledged; naye, his auntient Crowne land graunted awaye to gratifey men in this kind. August 5.

The office of Admirall is the greatest office of trust about the King for the benefitt of the Kingdome, it beinge an Iland consistinge of trade, and, therefore, requireth a man of greate experience and judgemente, which hee cannot attayne unto in a fewe yeeres, and such a one as shall have spent his tyme in the vnderstandinge of it. And hee sayeth that, for his parte, were hee to goe to sea, hee had rather goe with a man that had bine once on the seas, and able to guid and mannage a shipp or fleetes, then with him that had bine tymes att the haven. The Master of the Ordinance was auntiently a tradesman vntill 37 Henry 8, and then it was conferd on a nobleman, and ever since it hath bine in the nobility, and was never well governed. 4° Richard 2, such grauntinge of offices wrought a great disquiett in the State. 3° Henry 7, oppresion by subsideyes made rebelion. 14 Henry 8, when as great taxes were layd vppon the Northerne men by the meanes of the Cardinall, the Earle of Northumberland beinge ymployed in the same, the people slewe him. The Kinge hee layd it uppon his Councell, the Councell on the Judges, the Judges on the Cardinall, and there it rested. It hath bine tould us, that by the late Kinge's nutrality the wars increased, *newtralitas nec amicos paritt nec inimicos tollit.* And, as the case now standeth, it is a good projecte for a parliamente, and a worthy action to bringe the King that hee maye bee able to subsiste of his owne estate, which is now in a consumption, and the shipp hath a greate leake, which may bee stopt yett; but yf it bee not stopt in

[a] "Kinges might and antiently" MS.

August 5. tyme, it will all come to nought. And subsidyes never given for the ordinary, but for the extraordinary, expences of the King. No State can subsist of it self in an honorable estate, except it hath three things: first, free abilitye to support it self for his home necessaryes, and defence against any sodayne envasion. 2ly, that it must bee able to ayde his allyes and forraine freinds. 3ly, to reward his well deservinge servants. The ordinary to be discharged by the ordinary. The causes of defecte, not for want of income, but thorough the ill ordering of it, which groweth either by wastinge, or surcharginge it, and therefore the remydy must be accordingly; there is *medecina removens, et medecina promovens.* Hee moveth to have a Comittee to recollecte the heads for memorialls, which are a great enimy to the revenew of the Crowne, whereof fraud is one, and instanceth what hurt it doth in the Customes.

The officers bought theire offices deare, and they wincke att the marchants; then, to make upp all, there must bee a medium. And so the farmers grow riche; how is it ells that hee, which was but a broken marchant lately, by farming the Costomes awhile is now become worth 40,000li or 50,000li. An other is new invented offices with large fees. 12 Edward 4, a complaynt of the like nature, for an office of Surveior of Brewers with a large fee, and ould offices with new fees, and new offices with new fees, to bee repeald, as by lawe they maye bee, with the love of the people and honor and proffitt of the King. President of Yorke to cease; President of Wales to cease; they are both needles charges for the people, who had rather live under the govermente of the common lawes. The Westerne men had the same honor, as maye appeare by the statute of 32 Henry 8, but they desired to bee governed by the common lawes, and to shake of that honor. An other, not to monopolize offices; *singula officia, singulis teneantur sicut judices*, every officer to live of his office, and not to begg other things. If the old offices and old orders were kept, there would be noe need of new tables; therefore Sir Symon Harvy, by his will, should out of his office: and voluntary annuityes and pentions to bee retrenched, and not bought and sould, and a new markett kept of them as now it is; and all unnecessary charges and portage money, 12d of the li. taken awaye, whereas they make great gayne of it themselves. And over much bounty is an other thing that is to bee restrayned, for hee is noe freind to the King or State that seeketh a fee

farme or a new office. By the statute of 4 Henry 4 noe man ought to begg any thinge of the Crowne till the King bee out of debt; this statute is called Braynewyn, which is Welch for a white crowe; they were like a crowe, ever craveinge, and for theire finenes they are white. In the tyme of want and dearth (as now it is) costly apparell, diet, and lady vanitye is to bee abandoned. And thus much for *medicina removens*, now for *medicina promovens*. The King hath 31 forrests, and parks almost without number; every one of them is a greate chardge to the Crowne, and therefore, those to be peopled; and what greater honor can there bee to a Kinge, then by buildinge of churches and increasinge of his people, without doeinge wrong to others, to grow riche. Besides, Ireland which is now a very plentifull and riche nation, praye God it bee not monopolized; by Holinshead, it appeareth that in King Edward 3$^{ds}$ tyme it did yeeld cleerely to the Crowne 30,000$^{li}$ per annum, and now is a greate charge to the Crowne. His projecte, there is noe farmer that had any lease made unto him by Kinge James, but will give half a yeres rent with all his hart to have the same confirmed by King Charles. And yf the King would take these courses, hee did hope, as ould as hee was, to live to see Kinge Charlles to bee stilled Charles the Greate. 6 Edward 3, *numero* 4°, and 50 Edward 3, *numero* 5°, the Commons did peticion the King to live of his owne estate; and there it is alleadged, that the ordinary revenew should mayntayne the ordinary charge. 27 Edward 3, *numero* 9°, the Kinge did not make a new chardge to an old office. 6 Henry 2, and 1 Henry 5, uppon an extreordinary ayd and greivance, the Commons shewe that the King ought to keepe himself within his compase. 5 Henry 4, 11 Henry 6, *numero* 24° and 25°, the Lord Cromewell, beinge then Treasurer, acquainted the Commons with the King's revenew and his goeings out, and prayeth them that they would take a course to keepe the Kinge within his revenew: and in 1° Henry 7, and 11 Henry 7, the Commons confyne his Majestie to his revenew. August 5.

Mr. Solicitor first stateth the question, and that is whether it bee fitt at this tyme to supply his Majestie for the settinge out of the fleete, yea or noe? Hee hath two parts to act, one as hee is a private man and the servant of his Majestie, th'other as a publiq man for the publiq good; and for the publiq, hee speakes the best oratory that gives the best

August 5. reason. The first reason is ingagemente; hee holdeth wee are ingaged by our word, which is to bee kept unles wee be unable: hee doth not thinke the treaties were broken before our desier signified unto his Majestie in the last Parliamente. By that it was broken by our meanes. But it was inclininge before; for the King wos so in love with *pax in diebus nostris*, that hee would bee hardly drawne to it. Hee doth move that the King would bee pleased to declare the enimyes, and hee thinketh it would much moove us, and hee makes noe doubt but it wilbe the same enimy we all desier—Spayne; for hee that was then our advocate for the breache, is now our judge, and therefore more reason to harken to it. And admitt wee were bound to supply, yett some will saye wee were not bound to do it hand over head. That is true: but yf there bee a necessitye, whether it bee inevitable or ymprovident, yett it is to bee suplyed; and for that the case is more:—But yf Kinge James had bine ymprovident, shall not our King bee releived? And for his parte, hee beleeveth there is a reall necessitye, for that the Kinge sayeth it, and that the necessity conserneth the Kingdome as well as the King; for he would never sever them: besides, the Kinge is younge, and of great hopes, and the world taketh notice of him, as of his first action. And then the report of others, either they will saye his hart fayled him, or his people fayled him; whereof the last is the worst. And he mooveth that wee should bee humble suitors to his Majestie, that while the Navye is abroad, the false-harted subjects might bee lookt unto att home: and also to move him to releive our peticion touchinge religion, for the honor of God and oure saftey. But there hath bine somethinge spoken of great offices holden by great men, which reflecteth uppon the greatest man in the Kingdome; every man knoweth his greate obligation to that man, but that shall not make him forgett his duety to that place, and when there is tyme for it, he wilbe as ready in it as any other; but there is now *unum necessarium*; this first, and that after. Fourthely, it hath bine objected the necessitye of the tyme, in respecte of the great infection, and the effects that it produced throughout the Kingdome, famine and want; yf the tymes bee such as it will not yeeld it, then hee doth yeeld; but hee thincketh the tymes are not such, nor the generall necessity of the Kingdome such as it cannot supply. An other hath bine objected, that the hand of the enimye is ymplacable, and more dangerous, there-

fore not to bee deferred; for the deferringe of tyme disadvantageth the cause, by the King of Spayne's preparation against us either to bee in Ireland, or att home, and how dangerous it would bee, yf the seate of the warre should be att home. An other objection, that the navy can doe noe good, it is past tyme; which he cannot beleeve, that his Majestie will make himself ridiculous; howsoever lett us free ourselves. But some will saye, peradventure it maye bee done saffely the next yeere; hee will not put it upon a peradventure, for jealousey and feare of relapse of other Princes by our coldnes; hee liketh the resemblance of our state to a shipp, and our wants to a leake fitt to be stopt; but if all bee a mendinge the leake, and none defendinge the shipp when it is in danger of forraine power, how soone will it perrishe? And therefore hee mooveth there may bee a Committee to goe on for reformation, and to goe on with this too without delaye; for the quantitye, hee propundeth not now matters; and for the tyme to bee graunted, now to beginne after the other subsides are ended. August 5.

Mr. Alford. Hee holdeth wee are not ingaged to give for the recovery of the Palatinate; for when it was in the Act of Parliament, as it was first penned, it was strucken out by the order of the House, as a thing unfitt to ingage the House for the recovery of the Palatinate; and yf posible, yett not without greate chardge and difficulty; and not to give now; but to make unto the King an humble remonstrance of our reasone why wee doe not give att this tyme.

Sir George More. To give att this tyme: and this is not a thinge to bee carryed with sound of voyce, but with sound of reason; the King's necessitye, the greate loss of honor, reputacion, and proffit, by not aydinge att this tyme, make mee willinge to give.

Sir W[illia]m Strode. Noe subsides, but an humble remonstrance.

Sir Frauncis Nethersol. To give, and that wee are ingaged.

Sir Humphry Maye moveth to give, in respecte of the pressinge necessitye, which is, that this great designe of the fleete must staye unlesse it bee supplyed by us; and withall shewed, that yf money could have bine taken upp to sett out this fleete uppon his Majestie's plate, jewells, and some of his Lord's, wee had not bine called togeather now.

Sir Thomas Edmonds begann the motion to give this daye, shewed his Majestie's wants, our ingagements, and the dishonour that would ensue to the King and Kingdome by relapse, and so mooveth to give two subsides.

Die Sabati.

August 6. It was shewed by Sir Walter Earle, that there was a letter lately written by a great person unto some Justices of Peace in Dorsettshire, to forbeare the execution of lawe against a suspect papist; and by order of the Howse, it beinge in a member's hand of the howse, it was produced and read. It was directed to one Mr. Henry Drake, and an other Justice, from the Lord Conwaye, Cheife Secretary of Estate, dated the 17th of July last past; which was to this effecte: That whereas Maria Esdmonde had proferred a peticion unto his Majestie, signifyinge that they had taken awaye certayne stuffe of hers, which hee wished them to restore agayne unto her, and that shee was soe troubled by them that shee could not follow her harvest, to her great loss and hinderance, and took notice that they had tendred unto her the oath of allegance, which they might forbeare to presse unto her till his Majestie's pleasure were further knowne, and in the meane season to lett her enjoye her goods and liberty without disturbance. And soe hee rested att theire service.

Edw. Conwaye. Att the readinge of this letter, the Howse was much mooved, and as well touchinge a pardon graunted the 12° July last past unto one Barker a preist, and tenn others, for noe lesse then high treason. As touchinge this letter, they mooved to have a conference with the Lordes, and had it: wherein our howse desired they should joyne with us in a peticion to his Majestie; which they did not deny, and yett would not doe it, in respecte of our peticion lately proferred unto his Majestie touchinge religion; but they would moove his Majestie, that hee should not harken any more to forrayne ambassadors in the like case, and did not doubt but to prevayle in it; and that they would doe in the name of both Howses, yf wee thought so fitt. And our howse approved of theire motion, but did not well rellishe their put of of our desier. Sir Edward Cooke to the conference carried a coppy of the pardon, and the letter itself, and brought the Lords' answere.

Sir Henry Mildmaye. In the supply two things considerable; whether wee are engaged or not; secondly, whether fitt or not. For the first, wee are not absolutely ingaged to mayntayne a warre, but ingaged to assist our King against the King whose money and armes have deprived the King's children, and against the King that foments

a faction of Papists and Arminians in this state, litle lesse dangerous then a forren invasion; and lett us remember him that did us such service in Spayne, and in the late Parliamente, and therefore, though hee maye bee faulty in some things, yett lett us not objecte the worst, but rather excuse him in respecte of the good things hee hath done. Wee maye remember how three or four yeeres since we desired a warr; and now wee have the opportunitie, to neglect it what folly were in us! And if our coldnes shall constraine the King to conclude a disadvantagious peace, how may wee all mourne! And therefore hee moveth to know what some of money were fitting to sett out the fleete at this time; and though it bee not done by subsedies, yet it may bee done otherwise by Parliament, and that that is done in a Parliamentary course, is done in Parliament and not without president. August 6.

Mr. Curriton. That this desire for a supply hee conceiveth was not intimated unto us the last time at London by reason of the sicknes, and hee would have the King supplied if there bee a necessitie; and the King's state for his owne revenue to bee considered, and the Kingdome looked into for impositions, and a Committee to bee made to debate of these things, and especially for religion.

Sir John Eliott. His care to render himselfe to the publiq, and noethinge private swaying with him. The labour now in discusse was the proposition for money; that, grounded upon a pretended necessitie, that necessitie enforcing a warr, and the warr a supplie; and it hath been objected, that the warre ensued upon the breach of the treaties upon our advise; they give it a great sound, that it extendeth to Denmark, Savoy, Germany, and France; hee wisheth it may deserve it, but if hee shall deale truly, hee is diffident and distrustfull of these things, and wee have had noe fruit yet but shame and dishonour over all the world. This great preparacion is now in the way, hee praieth it may have a prosperous going forth, and a more prosperous returne. At our last sitting, not a few daies before our rising, the Lord Keeper from his Majestie gave thanks for our gift, and tendred our safetie as his owne; then noe necessitie; and now is the necessitie accrewed since? None will say so. The supplie demaunded is grounded upon a double argument—promise, and reason; promise, that wee are ingaged; and hee conceiveth that wee are ingaged; but hee doth not thinke that there is such a necessitie as is pretended.

August 6. And that hee gathereth out of the action it selfe as it appeareth unto us, which those that presse the necessitie of it cannot but understand; and that is, that our land soldiers were prest in May last, and our sea men in Aprill, and our victuals prepared; and all this spent with lying to this time to noe purpose. If necessitie, why stay they heere to hinder the action, consume victuall, and loose the season of the yeare? But I dare, in my conscience, cleare and vindicate that noble Lord who hath had some aspersions layd upon him; and that if there hath been any abuse in the fleete it is not his fault, for there is a commission for the furnishing of this Navy, which is noe new thing. It was graunted, or intended to be graunted, in the last Lord Admirall's time; and therefore the Commissioners, if any, faultie. Wee gave two subsidies two yeares since, three subsidies and three fifteens the last yeare, and two at this time; yet God forbid wee should bee soe limited, that, upon whatsoever occasion, wee should give noe more. Let us receive truly that which belongeth to subjects, which hee thinketh his Majestie will yeild us, and wee shall doe that that is fitt to reduce it to some heads. The proper resolution now is, whether wee shall desire to sitt now for these things, or to recede. And that ariseth out of his Majestie's gratious offer either to sitt now or at winter; God forbid that wee should denie his Majestie supplie if there bee cause, and hee moveth that wee should peticion to debate these things at winter.

Sir John Cooke (A Commissioner of the Navy) sayeth, that there is noe fault in the provision thereof, and desireth it maye bee searcht into and examined, and his and theire creditts who have bin ymployed in it, to stand or fall as it should appeare unto the howse.

Mr. Stroude. The matter consisteth of two things, the King's desier to us, and our desier to the King; the King's first to bee preferred.

Sir John Stradlinge. The King's desier to have a present supply, and the motion that hath bin made for the King, hath bine for a supply in reversion, by subsidies to beginn a yeere and a half hence; which maye not onely bred a jealousey in us whether wee maye meete then or not, but also a greife in us, that the King should distrust us that hee maye not have it of us in its due tyme; and therefore not to give presentlie.

Sir Nathaniell Rich. Some move to give, and give presentlie, and some would not give at all, and some would give *sub modo;* and a 4th

(to which hee inclineth) is, that wee should first move the King for his answere to our peticion, for wee can have noe hope of a blessing so long as the execrable thing remaineth amongst us, and to have his Majestie's answere in parliament, and after a parliamentary way. And there is a necessitie that his Majestie should declare the enemy to give us satisfaccion, and every one may contribute his reasons, which may doe much good; but the proper designe no man holdeth fitt should bee disclosed to us; and hee wisheth, that when his Majestie doth make a warre, it may bee debated and advised by his grave counsell. And there is a necessitie to looke into the King's estate, how it may subsist of it selfe; which is an old parliamentary course, and hath alwaies been used when as any great ayde hath been required of the Commons. And also to crave his Majestie's answere to the impositions; and as for that objection that the time is not now fitting, it will require a longer time then wee may sitt heere, hee thinketh not soe, for a committee might bee named to digest into heads, which might be presented unto his Majestie, and at this time to capitulate with the King, beeing never had the subject more cause to doe it then wee have now. And is this without president? Noe. And that of the best times, even of that most renowned King Edward the 3, for he pretending to make a warr, as now our King doth, hee did desire subsedies from his subjects; and they, before they would grant it, did capitulate with him; and you shall finde by the very Act it selfe, which was in the 22$^{th}$ yeare of his raigne, that they did grant him a subsidie, and but one, and that upon condition too, that if hee did not goe on with his warre, the grant should cease, and the same not to be levied. August 6.

Mr. Clerke. That some of this howse did use some particularities with bitter invectives, not fitt for this time, and that against the greatest officer of state in this Kingdome; which hee for his part, as being advanced by him, was bound to oppose. And as hee was going on, hee was interrupted by the howse, and exceptions taken that he taxed some Member of the howse. And beeing required to explane himselfe what hee meant by these words, "particularities with bitter invectives," hee sayd, hee helld it to bee an invective when a man is termed by another to bee uncapable by reason of his yeares to execute his place, as was sayd of my Lord Admirall. And then shewing some earnestnes to persist in that course of speech, hee was againe interrupted by the howse. And Mr.

August 6. Pymme moved to have him withdrawne; and thereupon hee was withdrawne.

Sir George Moore. Hee sayth hee had the honour to serve in Parliament in 23 Elizabeth, where, when as the Bill was read against the Papists, Dr. Parry, beeing a Member of this howse, spake bitterly against it; for which hee was sequestred. And Shephard in 18 Jacobi, for speaking against the Bill of the Sabaoth, and taxing a worthy Member that then was of our howse, and is now of the upper howse, who brought in the Bill, vzt. the Lord Mountague, hee was expelled the howse.

Sir Robert Philips moved with compassion to the gent. beeing his cuntryman, and sorry that hee hath used such speeches, and hee that will taxe a Member of this house publiquely, what dareth hee doe privatelie? And though wee suffer by great men, yet let us not suffer of our selves; and for any other man to use his Majestie's power against him, hee can suffer it, and laugh at it.

Ordered to bee sequestred, and committed unto the Sergeant's custodie, untill he shall acknowledge his fault, make his submission, and the House take further order in it. And by order hee was called in, and did stay whiles the Speaker pronounced the sentence against him. And soe hee was suspended the House.

Sir Francis Seymor moved to have the great busines debated on Monday morning by a Committee of the whole house; which was assented unto.

Sir Robert Philips commended the platforme of Sir Nathaniel Rich, and sayd that wee were beholding unto him for shewing us the way, which hee desired wee would thinke of againe, and in the meane time to drawe them into heads.

Mr. Clerke was permitted by the Sergeant to bee att his chamber.

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Die Lunæ.

August 8. Sir Miles Fleetwood. This time is not fitt for either of the two great propositions, supply, and reformacion. Superstitious religion ad-

vanced by Spaine and Rome, and brought home and practised amongst us, is first to bee removed, or ells when wee have warre abroad wee shall not have safetie at home. Jehosophat, soe long as hee kept himselfe free from joyning with the enemies of God, and helld himselfe to the true worship and service of God, prospered, and was in great favour with God; but hee noe sooner joyned himselfe unto the idolatrous nation, but hee lost that favour, and fell into the hands of his enemies. Hee would have some course taken to give the King satisfaccion. In the meane time hee wisheth three wishes: 1. That wee may have the returne, establishment, and execucion of our peticion of religion. 2ly. That wee may have a warre declared against Spaine. 3ly. Concerning our satisfaccion of the King to fall into a Committee, how wee may give the King a full overture of our hearts, of our chearfullnes and readines to supplie all his good designes when wee shall meete againe. August?.

Mr. Pymme assenteth to that motion, and before wee fall into a Committee, hee moveth to have the peticion touching Baker, a knowne Jesuite, gotten by immediate warrant from his Majestie, whereas noething hath used to passe soe but for his Majestie's owne especiall occasion; and the letter written in behalfe of Maria Esmonds to bee carried by some of those that are to attend the conference with the Lords, and to goe away presently; and soe it was ordered; and Sir Edward Cooke carried the same, and brought the message before written.

Sir Robert Pye sheweth, that Mr. Clerke was ready to confesse his fault, and make his submission, and was sorry for his fault, and did desire the favour of this house to come in againe. And it was ordered, that hee must first make his submission (which hee did, standing at the barr), and if that were approved, then to goe forth, and come in againe, and take his place; and thereupon hee was called for in, and standing at the barr, hee did acknowledge his error, and that hee was sorry for it, and did desire the favour of the house, and then hee was bidd goe forth, which hee did; and the house allowing of his submission, hee was sent for in to take his place: And soe hee did.

Sir Randall Crew (Chiefe Justice) and Mr. Attorney brought a message from the Lords, that his Majestie had sent a message unto both houses to bee delivered unto them by the Lord Admirall, and that his Majestie had appointed the Lord Treasurer, the Lord Conway, and Sir

August 8. John Cooke to be ayding vnto him, and to deliver certaine things unto them, and therefore desired this house to give Sir John Cook, beeing a member of theirs, leave to speake, and that it might bee this afternoone at two o'clock, in the Painted Chamber, and the whole house to bee there: Whereupon, the messingers beeing dispatched with this answere, that they would send them an answere by messingers of their owne, the house presently tooke into consideration, that the Painted Chamber was too little, and dangerous to beare soe great a burthen, and therefore they resolved to move the Lords, that it might bee in Christ Church Hall, and then also to move the Lords, to know whether it was meant wee should come with our whole house as a Committee, or with our Speaker: for, if with our Speaker, then wee came as a Court, and our Speaker was to take his place; and if they were covered, wee were to bee couvered, and noe report was to bee made; but if as a Committee, then there was a report to bee made, and wee to bee uncouvered. And then also ordered, that Sir John Cooke might speake, the house disliking that hee had formerly spoken without order: and accordinglie they sent away an answere by Sir Edward Cooke and others, and the Lords sayd, they intended it to bee the Committee of the whole house, and not to come with our Speaker, and liked well that it should bee in Christ Church Hall. And our house appointed Mr. Solicitor, Mr. Recorder, and Mr. Pimme to report the speeches, and soe the house rose. And accordingly, in the afternoone at 2 o'clock both houses mett in Christ Church Hall, and there the Lord Keeper first began his speech in the nature of an exordium or introduction into the Duke's speech, and then the Duke began his speech, and that beeinge ended, the Lord Treasurer, for the King's debts, and the Revenew of the Crowne, shewed how it stood, whereof the two first are repeated, The other was the charge of Mr. Pymme. The Lord Treasurer, hee shewed how hee found the Crowne indebted when he came into his office, 120,000$^{li}$ to the Citie of London, and 70,000$^{li}$ more of late borrowed, for which the customes were anticipated, and his Majestie's lands at pawne for a yeare, 90,000$^{li}$ owing to the King of Denmarke, 30,000$^{li}$ the charge of the funerall of the late King, besides guifts to strangers, and entertainement extraordinary, and his late Majestie's great debts to his servants, and 20,000$^{li}$ a yeare to the Queen of Bohemia, and 37,000$^{li}$ per annum to our Queene. Soe that

by this speech it did appeare that his Majestie had not present meanes for his present expences. August 8.

Heere followeth a peticion with his Majestie's Answere, thereto repeated the next day.

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Die Martis.

Most gratious Soveraigne. It beeing infalliblie true,[a] August 9.

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Die Jovis.

The howse resolved themselves to a Committee, and debated the same agayne, whether to give or not to give, Mr. Soliciter beinge put in the chayre. Sir Nathaniell Rich mooveth to have the letter or messuage of the King declared or repeated, agayne by Mr. Chauncellor, which the howse much opposed, but in thend consented unto it; and it was done by Mr. Chauncellor; and it was added by Mr. Chauncellor, that the Kinge did promise, in the worde of Kinge, whereof hee had bine and ever would be very jealous, to performe unto us what hee sayd, viz. that wee should meete agayne in commitee, and debate these businesses wee had entered into; and that yf wee did now give, hee would take more care of our healths then wee did our selves; and desired the howse that they would take to hart what to doe in it, whether to give or not, or what returne to make to the Kinge. August 11.

Mr. Curriton. It hath bine prest that this is the first request that the King hath made to us: 2ly That in Parliamente wee have ingaged our selves: 3ly The necessity, and the greate costs bestowed likely to bee lost: lastly, the disaster of partinge in displeasure; yett for all these things hee cannot assent to give att this tyme, but heereafter.

Sir Henry Martin. Wee are upon a consultacion and deliberation of weighty matter; betweene ourselves and our Soveraigne, wherein, as

[a] Two blank sheets are left, as if for entering the petition on religion and the debate of the 10th.

August 11. Cassell[a] sayeth, the subjects maye run into two extreames, either in an affected oposition, or an ill savoured flattery; for one of these, he could never bringe his mouth to it; and for the other, his bredinge and religion hath taught him to avoide it; and hee sayeth, that there is a very narrow passage betweene the head and the body, wealth and reputacion. It is noe infelicitye for a King to have a Councell, and to harken unto them, as Galba sayd to Piso. Hee doth like well of all that phisicke that hath bine spoken of, *medicina removens et medicina promovens;* they weere goode things, and there maye bee good use made of them, onely hee doubteth it is not good ministringe of it in the dogg dayes; and hee doubteth not but the King will one daye make it good, that hee will make his people more deare unto him then his dearest profitt. Tiberius sayd, Subjects consider what is profittable, but Princes live by fame and reputacion: and therefore such as theire fame and reputacion is, such is theire love and dreade abroade. Hee will examine this action for the proffitt, and hee doubteth not but hee shall make it appeare unto this howse to bee most proffittable. Hee will not dispute the manner of the necessitye, like him that seeinge a man in a quagmire, would needs knowe [how] hee came thither, before hee would lend him his helpe to lifte him out; and before the man could tell him, hee suncke over head and eares. There is noe such stronge arguemente as by waye of dilemma: either this fleete is well sett out, or not well sett out; yf well sett out, shall wee rather loose all the chardges that have bine bestowed on it, then supply it with a litle more? What ill husbandry were that? Hee knoweth noe man would bee culpable of soe doeinge. But yf ill grounded or done, wee shall take uppon us the fault of those that have bine the instruements of it, by not supplyinge; for who can tell whether the victualls are good, and the munition good, unles it bee examined, and some tryall of it? And how can wee examine it, when as wee have put into theire mouthes this just excuse,—You should have found all well yf it had bine sett forth. But it is sayd, wee shall cast more money after, and bee in danger att home. Themistocles assembled the State of Athens touchinge a warre, and tould it Pericles, whoe said (Themostocles), Shall wee send a fleete abroade, and bee infested att home? Hee hopeth the Kinge and Councell will take

[a] This should be Tacitus; "*Inter abruptam contumaciam et deforme obsequium,*" Ann. iv. 20.

more care of it. But there have bine objections made, first, noethinge done; and that it is against the ould orders and presidents of parliament; yf hee were not satisfied wee had *Quid pro quo*, it should put him to a nonplus. And for old orders and presidents, yf they suite not with this tyme, uppon good cause they were to bee altered; wee have made a goodly beginninge touchinge religion and other matters, but somethinge ells must bee done, or ells it will come to litle effecte. The exhorbitant and irregular power of forraine embasadors is fitt to bee looked into, and to bee restrayned, as in other States. If there bee a fault committed, and acknowledged to bee a fault, lett us not wronge the publique for the private. If hee whome many men suspecte, did comitt the fault, remember what hee did in Spayne, and in the last parliamente, and lett him not bee beatten with our English proverbe— August 11.

> What I have done well, that heard I never,
> But once did I ill, that heare I ever.

But it hath bine said, that it is a greate deale of money that is required, and a tyme of scarcitye; hee for his parte was much obliged to the ould King, who, through his greate love to peace, did bowe the staffe too much the one waye; and as to make streight a crooked staffe it must bee bowed as much thother waye, before it can bee made streight; for though things bee done amisse before they are rectified, yett there maye bee noe fault in the governors; wee are an Iland that consists of trade and traffique, and therefore our shippinge must bee mayntayned. This realme hath lost att least a subsidie since wee came hither; wee ought to have a warrlike King, and the warrs are chargeable and troublesome. And, therefore, since, to my understandinge, to give supply is for our proffitt, and to denye it is for our disprofitt, and therefore hee is for givinge.

Sir Francis Seymor. It was not the meaninge of the howse (as hee conseaveth) that this committee should debate whether to give or not to give, and to enter into a new debate of it, and the reasons thereof, either for necessitye or profitt; but the order was, that the howse should enter into consideration for the manner of their answere, and therefore read the order; but surely for the matter of proffitt, whereof there hath bine much said to make it seeme so, it maye bee answered in a fewe wordes; what need they insist soe much uppon 40,000$^{li}$ to sett it out? Naye, for to bee

August 11. sure of 60,000li to paye wages when they come home? It hath bine tould us that there is 300,000li already layd out in preparing this fleete, and it will be an ill voyage yf the returne of it should not paye that which is required of us. Now, the returne beinge liker to bee sooner then it can possibley bee receaved by waye of subsidies, and therefore hee thinketh it fitt to make an humble remonstrance unto his Majestie of the causes and reasons that wee doe not give now, with our dutifull affections uppon good cause to give hereafter.

Sir George More, for givinge; that this fleete is sett out uppon matture and good deliberation hee presumeth, because the King hath sayd it; but suerly there is noe[a] president for it, the president of 29° Elizabeth, a subsidie and 2 fifteenes, Popham then Speaker.

Mr. Soliciter craveth leave to speake: Wee are now in a debate what answere to make unto the King, hee maketh noe doubt but yf wee were all satisfied that this action were well grounded, wee would give; and soe hee would have insinuated into the howse, that they should have desired to bee satisfied in it from the King; which the howse utterly disliked and rejected.

Mr. Alford. For tyme and place, it is neither fitt to give, nor good for Kinge nor Kingdome; but is a good and saffe waye to follow presidents, and a dangerous thing to breake them; wee made a president lately, and lymitted that that president should not bee urged against us, and yett it hath bine. And hee is for an humble remonstrance.

Sir Thomas Puckeringe. Not to give, but to make an humble remonstrance unto his Majestie, and to shew him the reasons and the danger that maye ensue by our breach of liberties.

Mr. Whistler. Presidents were the guides of all Courts, and therefore ought to bee kept inviolably; and yett heere is noe bones made of runinge against and making a breache uppon an army of presidents att once; not to give.

Sir William Stroade. To give att this tyme is the worst waye, and to fall to an answere will amount to an ingagement, which hee did not like; and therefore hee would supplye the Kinge.

Sir Henry Whitehead. To give.

[a] So in the MS. but the argument requires "a precedent;" and so it appears to have been replied to by Sherland, p. 148.

Sir Clement Throgmorton. That it is a pretended necessitye, and August 11.
therefore not to give.

Mr. Tomkins. Not to give now. But there is an other waye, whereby the King maye bee satisfied, and that is, there is 35,000li remayninge in the Treasurer's hands of the last money. Lett coate and conducte money for the country bee unpaid, and that money bee converted to this use.

The Speaker beinge in the chayre, The Soliciter in the behalfe of the Duke did desier to speake, to give satisfaccion unto the howse, that Sir Roberte Mansell had bine acquainted with the intencion of this fleete, and soe was the rest of the Councell of Warr; and, leave beinge had, hee shewed that the Duke ymparted it unto him, and used him togeather with the rest in all his councell for the warr, untill hee refussed the service himself, and uppon some private discontentmente hee sayd hee would not attend it any longer; and thereuppon after that hee was left out, and that it is true hee made such a project as hee hath tould, which hee revealed unto the rest of his Councell of Warr, and it was by them utterly dislikt and held a frivolous thing, yett more chargeable then this course; and the Soliciter affirmed that Captayne Love was att the doore, that could testifey that Sir Roberte Mansell was made acquainted therewith, and Sir John Cooke, a member of this howse, could speake somethinge to it; whereto Sir Roberte Mansell replyed, and justified his owne projecte to bee of farr lesse expence, and more hope of good, and affirmed the Lord of Chichester did acknowledge as much, and utterly denyed that ever hee did refusse the publique service; but it is true that haveinge a poore fortune which was left vnto him of some 500li per annum, the revercion beinge in the Crowne, hee did desier to buy it; and the Duke haveinge notice of it, gott it from him, which much mooved him; and hee shewed, that his auncestors had bine men of qualitye, and served in good place in the State, and yett none of them ever false, and himself in that place which hee had had bine faithfull and true. And hee did desier to bee questioned for the Argier voyage; and for this fleete hee would make it good with his life that, manned and victualed as it is, it cannot bee profittable, and sayeth that hee neither desireth the good will nor careth for the hatred of that great Lord, and yett noe private cause should make him neglecte his duety to the publique; and

August 11. for his parte hee wisheth that these things might have a faire and due examination by some of both howses, and where the fault lyeth lett him bee punished accordingly.

But Captain Love was not called inn, nor Sir John Cooke justified any thinge matteriall against him, but the howse rose.

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Die Veneris.

August 12. Mr. Soliciter beinge calld to the chayre, and the howse resolvinge themselves into a Committee:—

Mr. Sherland. The question now in debate is whether to give or not to give. And hee thinketh it fitt not to give. But before hee giveth his reasons, hee will speak some thinge in answere to those reasons that have bine prest for givinge. And first there hath bine an objection made against insistinge on presidents, and that wee should not make them our God, and though hee loveth presidents well, yett hee will not idolize them, but presidents were the life of the parliaments, and therefore should be constant and certine; for, as in other Courts difference of presidents had bine badges of the worst tymes, and of the weaker Judges, much more would bee in this greate Courte which maketh lawes for other Courts; but those that speake most against them have most magnified them, for when they have deserted reasons, how have they streyned presidents to give some strength to theire arguemente, as well that of the 29° Elizabeth as of 3° James, and yett neither of them neere match this case. That of 29° Elizabeth was onely this: After such tyme as the subjects had given to the Queene one subsidy and two fifteenes, understandinge by her Majesties Councell that shee was to make great preparation for a warr to resist the greate Armada of 88°, they, by theire Speaker, tould the Queene that they had gone as farr now for the present as they could, but yf her Majestie should have occasion they would shortly supply her agayne: whereunto shee gratiously answered, that shee would first search the bottome of her owne coffers before shee would desier any more of them. And that of 31 Elizabeth was after the greate chardge that the Queene had bine att in the overthrow of the Spayniards; and then was the 1 tyme that ever two subsidies was given.

And for the 3° James two subsidies propunded and agreed to bee given, August 12.
and then, uppon some reasons given for his Majestie's great use, they were made upp three; but all past intierly togeather in one acte. And have our predissessors left us free, and shall not wee leave our successors free? God forbide. But the lawe of necessitye hath bine urged, yf such a necessitye as is pretended, then why should not his Majestie bee willinge wee should now sitt to redresse the same, and bring him to bee able to subsist of him self, as his predicessors have done, like a potent and a great King? Besides was there never such a necessitye, or cause for a necessitye this 400 yeeres? Suerly it is likely there hath bine farr greater causes, and yett noe such president to bee found. But there hath bine a stronge arguemente, as *utile*, that it is proffittable for us, and therefore wee should doe it. *Argumentum cornutum*, put by way of delemma; either it is profittable or not profittable: yf profittable, why should wee not pursue it? Yf unprofittable, why should wee take the fault from an other, and make it ours, and thereby disable our selves to call him to an accoumpt? By this argumente the parliamente should mainetayne all actions: for they are either good or not good, and for the calinge of the actions of that great man to an accoumpt, whoe knoweth not that we can doe noe thinge in it unles wee have leave from the King? and then wee maye doe it as well without supply as with supply. And for the answering of our peticion for religion, hee is as glad of it as any member of the howse; but who knoweth what wilbe th'execution of it? naye, have wee not cause to feare the worst? And why should not wee desier the King to put the lawes in execution against recusants? which yf hee would doe, they might all bee convicted att the next sessions or assisses; and then, by that meanes, his Majestie might have money to supply the somes now demaunded. Henry the 5th was a wise, potente and a stout King, not inferior to any since the Conquest; and yett what did his subiects unto him, in the first yeere of his raigne? they had found such offence by remissiones of the execution of lawes, that they spake playne language; the parliamente prayed him to put the lawes in execution better then his father had done, which was good and wholsome councell; which yf his Majestie wilbe pleased to doe, hee maye live in honor and wealth, and bee both loved and feared both att home and abroade.

August 12 Now the howse resolved to frame an humble remonstrance to his Majestie; and then newes was brought by the Serjant, that the Usher of the upper howse was att dore, and had a message to deliver from the Lords; but before they would suffer Mr. Soliciter to departe out of the chayre, since they had not tyme to make a remonstrance to his Majestie, they would make a protestacion, expressinge theire dutifull afection. And therevppon Mr. Glanvile stood upp and declared a shorte protestacion which hee had framed in writinge; which the howse approved; and soe hee was required to goe downe and stand by the Clarke whiles hee read it; which hee did; and then it was ordered to bee entred: which was to this effecte:—first to give his Majestie thanks for his gratious answere to our peticion for religion; next for his care of our healths in givinge us leave to departe this dangerous tyme. Then a dutifull declaracion of our affection and loyaltye, and purpose to supplye his Majestie in a parliamentary waye, in a fittinge and convenient tyme: which beeing agreed on, with this that Mr. Chauncellor of the Exchequer and of the Dutchy should prefere the same unto his Majestie, the Soliciter quitt the cheyre, and the Speaker came to the cheyre; and then the Soliciter reported what protestacion the comittee had made, which was ordered by the howse, as aforesaid; and, this done, the Speaker gave the howse notice that the Usher staied att the dore, and would knowe there pleasure whether hee should come in or not; and thereuppon hee was permitted to come in, and then the Usher, being Mr. James Maxwell, came upp and delivered that the Lords had receaved from his Majestie a commission to dissolve the parliamente, and wished our howse to come upp to heare it, and thereuppon the Speaker and all the howse went upp presently to the Lords, and the commission, dirrected to divers Lords that were then present, for the dissolvinge of the parliamente, was read, and that done, the Lord Keeper used words to this effecte: The King's Majestie by his commission which you have hard read, hath dissolved the parliamente: and then they came all awaye, and soe the parliamente ended, and the Serjant ymediatly carryed awaye his mace to deliver it upp.

Att this tyme there was an Act intituled for the quiett of Ec[clesiast]icall persons and preservacion of rights of patrons, which reciteth the Act of 21 Henry 8 that where a man taketh an other benifice

of value, not qualified, the first should bee voide, as yf hee were dead; August 12.
whereas lapse maye incurre, and the patron not in fault, therefore noe lapse to incurr but, within 6 monethes after, given unto the patron of such promotion. An other Act to restrayne writts of habeas corpus: both bills ingrost and past by the vote of the howse; and were to bee sent upp.

The Earle of Dorsett's bill that came from the Lords agreed on for passinge.

The Bill of Bribery against the corrupt obtayninge of judicall places was comitted, and great paynes taken in it by the lawyers of the howse, more then halfe gone thorough exactly, and left in Mr. Glanvill's hands.

The bill for naturalizinge Sir Daniell Delme once read.

The bill for the naturalizinge an other Dutchman that came with him, a batchellor in physicke, likewise once read.

(Memorandum.) That whiles we were att Oxford, notwithstandinge that the plague was disperst in the towne in 6 or 7 places, and that divers died there whiles wee were there, yett noe parliamente man died of it nor any belonginge to the howse of Commons but onely Sir William Beecher's man; wherevppon Sir William Beecher absented himself presently from the howse, and came not into the howse after agayne.

# II.

## LETTERS RELATING TO THE FIRST PARLIAMENT OF CHARLES I.

### 1.—Thomas Locke to Sir Dudley Carleton.

July 9.

State Papers, Domestic, iv. 29.

Right honorable,

My last to your Lordship was of the 30. of June; I have since spoken to my Lo. Tre'r and to Sir Robert Pye about your Lordship's moneys, but for the present can give your Lordship small hope of receiving them, the wante of moneys being so great as the like hath not bin knowne. Sir Edward Barrett and Mr. Rawlins stay of purpose for want of money, and since Midsommer neither Bedchamber man, nor Pensioner, nor any other servant of the King, hath received any pennie. All the money that is yet in the Exchequer will not serve to feede the French; the Duchesse of Chevreux being now resolved to lye in heere, for which purpose beere, wine, and other provisions are layed in at Richmond.

The sicknes increaseth still more and more; the Bill specified this weeke but 1,222, and of the sicknes but 500 and odd, but by common opinion there died many more. It is not onely in the cittie, but spares neither Court nor country. Upon Sunday last, the 3. of this present, there were 3 carried out of the backe part of the Courte at Whitehall (the K. and Q. then there) sicke, who all died since of the plague. The day following, the K. and Q. went to Hampton Court, and wee do heare that there is a Frenchwoman dead there of the sicknes. The K. removeth from thence upon Munday next; Mr. Dudley Carleton is now there. I mett with Sir Richard Harison at Insworth 4 or 5 dayes since, and by his direc[tions] I intend to goe thither againe within theise two dayes to see certaine things done, as the laying inne of sand, lyme, &c. for the building of the wall; but I perceive, by Sir Richard Harison, that hee desiereth further direction from your Lordship before hee proceedes;

yet, howsoever, begining shalbee made, hoping that your Lordship wilbee heere yourself before it bee so farre proceeded in as that there may be doubt made. The Parlament is like to breake upp uppon Monday next: the King left it free to the Howse by his pleasure signified by Mr. Solicitor, to continue or dissolve as they should thingke fittest, having regard to the danger of the tyme and necessitie of the State, promising to consent to the tyme that they should sett downe, which the Howse tooke as a graciouse favour from his Ma^tie^. And since, Sir Jo. Coke, one of the Masters of Requests (by his Ma^tes^ command) made a longe discourse and relation of the particulers wherein the moneys of the last subsidie were expe[nded], pointing withall how these subsidies now gran[ted] should be bestowed, and tacitely inferring a kind of necessitie for the continuing of the like supplies to maintaine the expedicion in hande, and other services of the State; which speech was seconded by some, but not applauded by all, nor promised for the future. The Howse hath received good satisfaction in the grievances preferred the last Parlament. This meeting hath continued but a while, and yet a great deale of tyme hath bin spent in things that might have bin more seasonably questioned at an other tyme, as I have hard some of this howse say. Amongst other things a great deale of tyme hath bin spent about a booke made by Mr. Mountague, called *Appello Cæsarem*. He was committed to the custodie of the serjeant, but with some seacrete direction that hee should take baile of him to appeare the next session, as he hath done; but the King sent a message to the Howse by Mr. Solicitor, concerning him, to this effect: that he was his servant and his chaplaine, and that, therefore, he expected that the proceeding in that buisines should bee left to him. Mr. Solicitor, to whom the King spake in private concerning this buisines, told the King that, for his part, he had never observed (and thought the like of the rest of the howse) that Mr. Mountague was his Ma^tes^ servant. But, howsoever, the answere of the Howse is to the King that he is not restrayned of his libertie though he goe under baile. There hath bin also a great controversie about the precedencie of the two universities when they shall come to bee named in publique acts; great part-taking there was; some, bycause they would not seeme to bee partiall to either side, went out of the Howse when the matter was in question; but in the end Oxford gott the day. One July 9.

July 9. thinge more I wilbe bold to mention bycause one of the gent[lemen] that was elected Knight for Yorkshire, namely, Sir Thomas Fair[fax], is, as it seemeth, verie well affected towards [your] Lordship. He and Sir Tho. Wentworth having bin r[eturned] by the sheriffe, Sir John Savile brought th[e return] before the Howse, and indeed it is overthrow[n there] bycause the powling being demanded and p[roclaimed] and begunne, yet the sheriffe made his [return] before he perfected it. About this much [time was] spent, and one day, from 9 in the forenoone, [the House was] about nothing else.[a]

Though the Parlament bee not dissolved, yet most part of both Howses are gone their wayes, all wayes that can be thought upon for staying the sicknes, prayers, and an order of fasting sett forth by his Ma[ts] authoritie. The last Wednesday was the first tyme, and in the cittie trading wa forborne, and the day observed as much as any festivall day. Fayres are forbidden, and the intercourse of carriers to the cittie, nor any cittisen may inhebite neere any of the King's howses, as Windsor, Waybridge, Hampton, Oatlands, Richmond, Eaton, &c. by his Ma[ts] expresse command. Thus, craving pardon for troubling your Lordship so long, I humbly take leave, and rest

Your Lordship's most humbly at command,

Th. Locke.

9 July, 1625.

I send your Lp. one of the books sett forth by his Ma[ts] authoritie.

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## 2.—Sir Francis Nethersole to Sir Dudley Carleton.

August 9. State Papers Domestic, v. 30.

My Lord,

In my former, which I thincke will goe with this, I have given your Lordship an account of what passed here the two first dayes of this meeting of Parliament. The next day was spent in devotion. On Thursday morning the King came privately to Christes Church (I meane by privately without state and usuall solemnity at his entry into Townes), and having commanded both the houses there to attend him, spake to them to

[a] Paper torn, blanks filled up from conjecture.

this purpose: That the occasion of his having called them together to this place at this time, was to requyre their helpe toward the setting forth of that Navy which he had put into a readynes to go to sea, with land forces likewise to go with it, but that he was not able of himselfe to set it out, having used all possible meanes both by himselfe and his officers to take up money, and beene in hope at first to have done it, which if he could have done he would not have troubled them with comming hither, but his hope therein having fayled him, that he was forced to have recourse to them, in confident assurance that they would not suffer this first action of his whereon his future reputation so much depended, and into which he had engaged himselfe by their advise, now to fall to the grounde for want of meanes, making no doubt but that they were all of his minde, which was this: that it were much better the Navy should come home beaten by the enemy and half lost, than not go out at all, in respect of the consequences thereof, with which, as also with the whole counsell of the proceedinges in this great busines, ever since it was undertaken by their advise, he had given charge to my Lord Conway and Sir John Cooke to acquaint them particularly; and for the particular answere to their petition concerning religion, which he promised at the end of the last meeting that they should have it within two dayes, my Lord Conway and Sir John Cookes speeches were both to the same effect, the former more briefe, the latter more enlarged, and very little differing from that which the same man delivered at London, whereof I then gave a particular account, and will not therefore now repeate it. And this was all was done that daye, for the Lower House, returning agayne to the divinity schooles where they sit, put off the debate herupon till next day. The next day, on which being the fourth of this meeting and moneth there should have beene a call of the house, and the expectation thereof had now well filled it, there was a proposition made, that in respect it was to be doubted that after the call many would slippe away as then secure, it should be deferred till another time, and no certayne time prefixed for it, the better to hold men here, and this thus setled it was moved that we should fall to the busines for which we were called hither, and so there was a motion made for two subsidyes and two fifteenes by Mr. Treasurer of the household, who had the good fortune to have his motion for three approved and followed the last yeare. But all went not now so cleere. For the giving

August 9.

August 9. of any at all was opposed by three or foure of the principall speakers who usually stand stiffest for the country, and in such a manner as they all shewed a great dislike of our being called hither upon this occasion; one of them not sparing to say, that he doubted whosoever gave the counsell, had an intention to set the King and his people at varyance, it being impossible for them to comply with this demande of his, and among other passages alleaging that saying of Salomon, that in the multitude of counsellors there is health. Another, remembring what hath heretofore passed in Parliament at this place, and after he had disallowed of the forme of the proceeding then, as swerving from that duty which subjects owe to their superiors, yet commending the matter then done, and concluding that he hoped we would imitate that, and that God almighty, who by his providence many times disposeth of thinges to the contrary of that which men propose, had a purpose to bring some such worke to passe, because he had put it into the mindes of some men to consell our calling hither against all reason, concluding that by all meanes since we were here we should resolve to sit it out notwithstanding the danger of the plague, and resolving our selves into a Committee the next morning, then advise of such heades as might be the matter of an humble petition we might deliver to his Majesty for the reformation of divers abuses, as also the meanes how we might best give his Majesty satisfaction in that he desired; another set downe divers heades which he thought worthy to be taken into consideration for the enabling of the King to live, and live according to his state, upon his owne revenew; and, among other thinges, thought it fit enquiry should be made how his Majesty came to be in that necessity which was now urged for a reason of our comming hither, for that without a further supply from us he was not able to set forth the fleete; from which mention of the fleete, he fell to cite old records that the admiralls in ancient time used to be men expert in sea affayres, and to allege presidents of men who, by law, had beene putt out of their offices for being unable to discharge them, though otherwayes without fault; I do not tell your Lordship all was sayd by these men, nor by those that answered them, which were three of the best speakers of the Kinges learned and privy Counsell, for that were too long, they having spent allmost all the forenoone. But this that I have written I have written to this end, because

it was by a great servant of my Lord Duke of Buckingham's, and of the Queene my Mistris, understood to have beene spoken of his Grace, and he therefore made a motion that the Committee might proceede, but that my Lord Duke might have liberty to come to it, there to answere such thinges as could be objected against him, wherein hee assured himselfe he would be able and ready to give the House satisfaction. This was not liked by the House, and as little by my Lord Duke, as I heare, although he could not be displeased with him that sayd it, being assured of his good intention. The next day, into which the further debate of this busines had beene deferred, there was not much sayd concerning the giving of subsidyes, but there were some who had ill fortune in going about to wipe of those aspertions which they conceyved had beene cast on my Lord Duke; one of them let the House know that his Grace did not execute the office of admirall by himselfe, but by certayne Commissioners who were to be blamed for any errors [which] might have beene committed in the preparation of this fleete, which hee seemed to grant. And another, Mr. Clarke by name, who was once a Clarke extraordinary of the Counsell, and since a Groome of his late Majestyes bedchamber, having it seemeth a minde to say something in my Lord his defence, began with taking notice and saying that there had beene bitter invectives made against him the day before; wherupon being called to the barre he desired to explane himselfe, and in doing that made the busines so much worse that he was presently commanded to withdraw himselfe, and then censured to be committed to the Sergeant till the Munday following, at which time upon his acknowledgment of his fault, and submission made on his knee at the barre, he was receyved into the House agayne. On the same Munday, being yesterday morning, there having beene a message brought to us from the Lords that my Lord Duke of Buckingham had a command from his Majesty to deliver something to both Houses, and that their Lordships did therefore desire a present meeting, there was one in our House who upon this occasion remembred presidents in very many Kinges raignes as low as Henry the 8th, by which it appeared that then the Lords had not the appoyntment of time and place which they challenged now, but that they used many times to come doune into the Lower House; this bred another question how we should go to this meeting, for if we went as a House then it was

August 9.

August 9. sayd we ought to be covered there, though we use not to be at conferences, and the message was delivered in those wordes; this disputation cost us the rest of the morning, but was at last resolved thus: that we should send to the Lords to know how they understood their message, and their Lordships explaining themselves to have meant a meeting of both the whole Houses, but in the nature of Committees, the busines was so accommodated, and we met in the afternoone in Christ Church hall, where what passed your Lordship doth receyve in the adjoyned papers, being copyes of the report [which] was made to our House thereof this day, and which tooke up allmost all the time; for there were but five that spake after; the first that spake [a] moved that having now satisfaction in what we cheefely desired concerning matter of religion, we should do well to see how we could give his Majesty satisfaction in that he desired of us. The second,[b] who was a courtier, making a long, extravagant, and impertinent speeche, anomg other thinges alleaged the good use of presidents, and then, applying this, would have us make warre by the president of Queene Elizabeth. This occasioned the next man,[c] being a a lawyer, to begin thus: that, because the gentleman who spake before had spoken like a lawyer, insisting so much upon president, he would change his profession and speake like a courtier; and so moved that we should give subsidyes, though there were no president of subsidyes upon subsidyes given in one session of Parliament. But a third rising up,[d] began: that he was neither courtier nor lawyer, but a plaine countrey gentleman, and therefore, as such, desired we might resolve ourselves into a committee to-morrow, and then debate upon the whole matter as it had beene delivered and reported to us; wherein his advise was followed, and what will follow therupon is that on which the expectations of all men are fixed, but must be the subject of my next.

On Sunday last, my Lord the Duke of Buckingham had his Patent of Admirall and Captayne Generall of the fleete, whereof, if I be not deceyved, your Lordship shall herewith receyve a copy.

[a] Sir T. Edmondes, "drawing his swasorie from the answear in religion.", *Neg. Post*.

[b] This must be Maynard's speech, though this argument is not reported either at p. 105, or in the Journals.

[c] Mr. Mallet.

[d] Sir R. Philips.

The sickenes doth so much increase, both in London and in the country, that there are proclamations gone forth for the removing of the receipt of the Exchequer to Richmond and for the discharging of Bartholomew and Sturbridge fayres, with other where the plague is. There are also letters written from the Lords of the Counsell by which the publicke holding of the fast on the Wednesdayes is discharged in all infected places, but the people are there to be exhorted to observe the same in their privat houses. Sir W. Beecher hath had a man dead of it in this towne, whereupon he, being a Parliament man, is removed. August 9.

And so, desiring to be excused to her Majesty for this time also, untill I may see what will be the issue of this Parliament, I take leave, and rest

Your Lordship's humble servant,

Fr. Nethersole.

Oxford, 9th August, 1625.

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3.—Sir Francis Nethersole to Sir Dudley Carleton.

My Lord,

When we were yesterday met in the morning, and ready to have turned the House into a Committee according to the orders of the day before, Mr. Chancelor of the Exchequer delivered a message from his Ma^ty^ to this effect:—that his Ma^ty^ taking notice of those many questions were among us whereby we were retarded from comming to a resolution in that busines for which he had called us hither, had commanded him to let us understand that as the opportunity for that action he intended was not yet past, so it would be quickely if we lost any more time, and that he therefore prayed us to give him a speedy answere, assuring us that if it were such as he hoped for to supply his present occasions, we should have another session in winter at what time soever we ourselves would appoynt it, to consider of the reformation of all those thinges whereof we could make complaint, and that he would give free way therunto, engaging his Royall word to us for this. But that if for any considerations we should not yield to that which his occasions enforced him to require of us, he would be glad also to be speedily resolved thereof to the end that he might have the more time to thinke what he had to do, and no longer to endanger our lives to no purpose by holding us together in this place, August 11. State Papers Domestic, v. 33.

August 11. the contagion dayly spreading itselfe in it, concluding with this that we would withall take into our consideration that this was the first request he had ever made to us. Upon the occasion of this message, it was ordered that the House which should have resolved itselfe into a Committee, should now sit as a House, and so we fell close to the busines stated thus: first, whether we should give his Ma$^{ty}$ any supply at this time; if I, then how much, when, and how? If no, then what answere we should returne his Ma$^{ty}$, and what reasons we should give him for our excuse. The former of these questions was excellently spoken unto on both sides. They who were for giving of supply alleaged that it concerned the King and Kingdome in honor and safety, that the fleete now prepared should not stay for want of meanes to set it forth. They all alleaged the ill consequences like to ensue hereon abroad by the falling backe of all those Princes and States who, in expectation of his Ma$^{tyes}$ declaration by the sending out of this fleete were either entred or entring into the same quarrell, they intimated the danger of like ill consequences at home, by giving of his Ma$^{ty}$ occasion to dislike Parliaments at his first comming to the Crowne. They alleaged as a principall enducement the great satisfaction he had given as in matter of religion, and, for a greater this, that this was the first request his Ma$^{ty}$ had ever made to us. But they who were on the contrary, alleaged it was against all president to give either subsidyes upon subsidyes in one Session, which one sayd was mettall upon mettall, argent upon argent, or subsidyes in reversion, it having beene moved that the two subsidyes and fifteenes might be given now, but to be payd after the other formerly given; they alleaged that whereas it had been delivered that a matter of 40$^{m}$ pound would serve to set forth the fleete, but that there would be neede of 60$^{m}$ pound more at their comming home, that it was neither credible that his Ma$^{ty}$ was not able to take up 40$^{m}$ as had been sayd, nor a sufficient cause of calling the Parliament to this place in this dangerous time, for the procuring of so small and contemptible a summe: that for the other 60$^{m}$ lib., we might happily have opportunity to meete agayne before there would be neede of it, and though we should not, yet that the voyage had better be stopped then furthered, if there were not likelyhood that the fleete which hath been sayd to have cost 400$^{m}$, would bring home a returne of more then 60$^{m}$ lib., to defray the charge which will then accrew;

that for the going out of the fleete, if the state of the Kinges debts and anticipations be such as was delivered by my Lord Thre'r, and such as it appeared to be by our assembling here for so small a summe, it was not counsellable for us to begin a warre and strike one stroke now, there being no meanes for us to second it with another the next yeare, not so much as to defend our selves, if it were true that there was now a necessity of anticipating subsidyes to be payed a yeare hence toward the setting forth of this fleete. But that which moved most was that, whereas my Lord Duke of Buckingham had sayd in his owne defence that he had proceeded in the undertaking and preparation of this great action by the advise of the Counsell of warre, and of the Counsell of State, Sir Robert Maunsell, on the contrary, avowed that he had never beene at any meeting of my Lord and of the Counsell of warre but one in February last, when there was but a running discourse held of setting forth a fleete; that my Lord Duke had never spoken to him of this busines, but once more at Newmarket, at which time he had shewed his dislike of the action and the preparation in a high degree, and had done the like to my Lord Conway, and to my Lord Tre'r, when they required him as being of the Counsell of warre to give warrants for moneyes for the land forces, which he had done, but with protestation that he might not be thereby understood to consent to the dessein; besides he undertooke to prove that this action now intended could not be well counselled, nor likely to prosper. Therupon the question having beene declined againe, the debate was put off till this day. And this day after a long great complainte of many piracyes committed on the Westerne coastes by Turkes, which one did not spare to lay to my Lord Admirall his fault, that busines being referred to a Committee of the whole House, we fell to the mayne once more, but after long debate forbore the question agayne, and the cold avouchement of Sir Robert Maunsell having beene brought on the stage agayne, tomorrow is appoynted for him to make good what he hath sayd, and for my Lord Admirall to maintayne his saying, so that if Sir Robert fayle he is like to have an ill day of it. However I hope it will bring it to an end of our busines, and then I shall make all the hast I can to returne to my service, beseeching your Lordship still in the meane time to excuse me for not writing to her Ma^ty^. And so for feare that all my letters which have August 11.

August 11. stayd one upon another be not left behind, I must abruptly end this without adding more but that I am ever

Your Lordship's most humble servant,

FRA. NETHERSOLE.

Oxford, 11th Aug.

Indorsed:—Sir Fra. Nethersol, the 11th of Aug. 1625.

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SIR FRANCIS NETHERSOLE TO SIR DUDLEY CARLLETON.

My Lord,

August 14. State Papers Domestic, v. 42. I sent your Lordship a great packet from Oxford on Thursday contayning three severall large letters, and in them all [that] had then passed in Parliament there. I hope it will come safe to your handes, and then I am most assured there will be no further danger, though I wrote with freedome as I use to do to your Lordship. The same night we had certayne knowledge that the Parlyament would be dissolved the next morning, and that affected men's mindes as you imagine. All that was done the next morning before the dissolution was the making of the enclosed declaration, save that there was an answere made to what Sir Robert Maunsell had averred by Mr. Solicitor, who contradicted what the other had sayd in almost all. Wherupon Sir Robert explained himselfe, and as many men conceyved with some variation from what he had delivered the day before, but sayd still so much that therupon he was commanded to attend the Lords of the Counsell here this day, where it was generally conceyved that he should have receyved some very heavy censure, yet hath he beene here this day, and is gone away in an opinion that all shall go well with him, and this matter be questioned no more.

The Generall and Colonels of the fleete have beene here also these two dayes, and they reckon to be going to-morrow towards Plimmouth. The King goeth then towards Bewley, and the Queene to Tichfield, on Wednesday. The Lords of the Counsell are all commanded to be at Southampton on Thursday next, where it is sayd that the States Ambassadors shall be treated with, if not dispatched. I am promised

I shall be to-morrow, but with a condition to returne agayne to Court in case there should be any occasion upon Mr. Secretary Morton's returne, which I hope there will not; but howsoever reckon to be at the sea side to attend a passage about 14 dayes hence, and long for nothing so much as to attend the Queen, my most gratious Mistris, to whom having forborne to write thus long, because I had no good newes to send, I will not do it now that it is at the worst, but reserve myselfe till my comming. And so kissing your Lordship's and your Ladyes handes August 14.

I rest ever your Lordship's humble servant,

FRA. NETHERSOLE.

Woodstocke, 14 August, Sunday.

# III.

## NARRATIVE OF THE COURSE OF PUBLIC AFFAIRS IN ENGLAND.

[S. P. Domestic, xxi. 86.]

[Draft in the handwriting of a clerk of Sec. Conway.]

Sir,

1626. February 28. State Papers Domestic, xxi. 86.

You are soe capable of truth and reason as I am desirous to give you satisfaccion, in as much as my observations can, in all those points which rumor, conjecture, and doubts of men have raised, touching theise later negotiacions and enterprizes of his Ma^tie of blessed memory, and this our happy and gratious King, since the returne of his Ma^ty and the Duke of Buckingham[a] out of Spaine. And to the end you may the more cleerely see the reasons and passages of the later parts, I must call back your memory and attention to the things that went something before the return of the now King out of Spaine; but that in short, as that under the colour and treaty of a marriage, his Ma^ty of glorious memory, whose pious and blessed disposicion inclined him zealously to seeke the peace of Christendome, was, by a correspondence or connivence betweene his Ma^ts ministers in Spaine and the King of Spaine's ministers here, perfidiously delayed and betrayed even to the losse of the Palatinate (the inheritance of the children of the royall yssue), and soe much to the advancement of the ambitious ends of the King of Spaine in Germany, as threatned the suerty and honor of the rest of Christendome. Which being observed and judged by the King and Prince, there was noe soe sure and ready expedient found as for his (then) Highnes to goe into Spaine to putt that work of the marriage in treaty to an yssue, under which pretext the King of Spayne made his soe greate advantages. With what artifices and open breach of promises the King of Spaine proceeded in the busines of

[a] "Buckingham's" in MS.

the Palatinate, Sir Richard Weston's negotiation discovered plainly. And how short, cold, and indeede not at all, the proceedings of the match had bin handled in Spaine, in comparrison of the large, lively, and effectuall advertisements hither with almost assuered conclusion, was soe clerely discovered by the then Prince and the Duke, and hath bin soe exactly related by the Duke in the presence of his nowe Ma^tie, and in the face of both howses of Parliament, as I will take it for graunted (notwithstanding the faulty partyes remayne, under his Ma^ts gratious mercy, untryed, and unpunished,) that all that whole negotiation was wholly abuse to his Ma^ty of glorious memory; wherein his high wisdome yet suffers not, since hee sawe by his ministers' eyes, and was deceaved onlye by theire lack of faithfullnes. While theise things remained something shaddowed, and were rather discoursed then resolved, feare stirred the wisdome of both the houses of Parliament to desire a dissolucion of the treaties with Spaine. 1626. February 28.

The now King, and then Prince, and the Duke of Buckingham (as inwardly and exactly knoweing,) did assist and co-operate with the houses of Parliament to move his Ma^ty of glorious memory to receave with grace the request of his people for the dissolving of the two treaties for the marriage and restitution of the Palatinate.

His Ma^ty of blessed memory, whose wisdome did not onely see the abuse of that had binn offered him, and the reason of his people's demaund, but did withall foresee the many reasons the King of Spaine had not to breake openly with him, both for honor and reason of state, and according to overtures and presentations continued then by the King of Spaine to him, for his contentment in all things; his Ma^ty wisely wayed how long his people had bin in peace, how indisposed they might bee to a warre, how empty his owne coffers were, how much impression had bin used by his people of theire inabillityes and unwillingnes to give: how unexercised his subjects were in armes, and how utterly the order of a militia forgotten, and if his Ma^ty should presently have declared a warre, all the disadvantages on his Ma^ts parte could not well bee foreseene; yet by the earnest remonstrances of his Ma^t that now is, and the Duke of Buckingham, his late Ma^ty of glorious memory demaunded of his people (as is well knowen), that in case hee should dissolve the two treaties, upon which a warre might follow, what support they would give him for the

1626. February 28. mainteynance of that warre, and to his Ma^ts demand and their answeres I referre you, my intention beeing here but to carry your observation along with the motives of the present state of things.

His late Ma^ty of glorious memory dissolved the treatys: that act, and the declaration made by the Parliament, gave alarum to all the world to expect a change of the face of all the affaires of Christendom; the affaires at that tyme standing thus:—

The House of Austria not only recovered to the possession of Bohemia with those provinces annext to it, but soe established in it, as it was noe more by eleccion but by conquest.

The King of Spaine in a treaty with France and Savoy by artifices possest of the Valtaline. The King of Spaine, the Duke of Bavaria, and the Emperor wholly possest of the Palatinate and of a greate extention of country, forts, and places, and the whole river of Ryne even to Skink Leonæ, and the Prince Palatine and the children of the blood royall of this crowne suspended and excluded from theire inheritance. By this meanes the passage is opened to enable the King of Spaine to communicate his councells and send downe his forces out of Italy into the Palatinate and from thence into the Lowe Countries, and by the River of Rhyne, Cullen and Wesell to send troops into Cleveland, Juliers, Munsterland and East Frizland, which did not onely threaten the united Provinces, but did strike a terror into all the Princes of Germany, and gave a doubt to all the Kings of Christendome that the House of Austria was in a large way to make theire Monarchy, and it was a hard poynt which way, and with whome to consult about the stopping of the King of Spaines course to that end. And accordingly it was consulted upon here, not as it is vaynely conceaved by one or two, but by the greate wisdome of his Ma^ty of glorious memory, the Prince then, our gratious King now, and a select number of [a] the most confident councellors his late Ma^ty had; and that not for disestimation of the rest, but that the consultations and resolutions might remain the more private, or if they should otherwise break out, it might bee the easilyer discovered by whome.

Lo. Keeper, Linc. Lo. Treasurer, Midd'. Duke Rich. and Lenox. Duke of Buck.

The first consultations were how to apply the moneyes accorded by the

[a] "six or seaven of" is here erased between "of" and "the."

Parliament to the same ends prescribed by the Act; and further, it was considered how probable it was for the King of Spaine (beeing throughly informed by his Ambassadors which had long layne here with much security and confidence, and some of them the most exact and able spyes, served by the abused affeccions of some, and trayterous of others, of every weaknes and disorder in this State, which now would bee begunn to bee remembred, reformed, and recovered) hee would take the advantage presently to attempt us. 1626. February 28. Marq. Hamilton. Lo. Marshall. Lo. Chamberlaine. Lo. Carlisle. Lo. Belfast. Sr Geo. Calvert.

In theise consultations it was alsoe found how the United Provinces had bin exhausted by theire defences, and that to suppresse them wholly the King of Spaine had for that yeare redoubled his preparations, and was likely to bring them to the necessity of making a peace with him which (for the factions amongst themselves stirred by an Arminian party) they did waveringly speake of, as fearing and foreseing otherwyse an unresistable warre to conquer them peecemeale. Sr Edw. Conwey. Sr Rich. Weston.

It was therefore by councell (not by single opinion) resolved to put the Kingdome by the castles and fortificacions of itself in defence, to give some probable securitie to Ireland, to poursue an exact militia of the trayned bands in England, to furnish munition for the land forces, castles, forts, and shippinge; and for giving support to the Lowe Countryes, to which purpose there was a proposition of 6,000 foote designed to bee paid by his Matie, according to the articles of a treaty concluded by commissioners on both sydes, whereof those for his Maty were D. of Buckingham, Marq. Hamilton, Lo. Chamberlaine, Sir Edw. Conway, and Sir Rich. Weston; and, withall, it was consulted what allyances and freindshipps were to be made; what Princes to bee invited and called in to take the opportunity to preserve themselves from the yoke of the monarchall successes by joyninge with and assistinge his Matie in his pious and Royall purposes to indeavour to attempt the stopping of the monarchall progresse of the House of Austria, conservinge of the Germaine libertie, and the religion anciently possessed amongst them, as well the Lutheran as Calvinist Churches, and for the recovery of the Pallatinatt. Upon theis consultacions, Ambassadors were dispatched into France to show that Kinge the condicion of the affaires of Christendome, in which his greate and ancient Kingdome was threatenned apparently; part of his allyes, and those anciently in the protection of the Crowne of France, surprised, trampled upon, and Councell of Warre. E. of Carlisle, Lo. Kensington.

1626. February 28. brought under the bondage of a new government; and those of the Protestant religion in those quarters some put [to] the sword, some dispersed, and the exercise of religion denyed to those that remayned, and the King of Spaine possessed of all those passages which before hee never had, by which hee might power downe into France all his forces of Italie, his leavies from Germanie, and his assistances from the Emperour, Bavier, and the Catholicke league. And from theis consideracions his Ma^ts^ Ambassadors had instruccions to move that King to joyne in a league with his Ma^tie^ offensive and defensive, and, withall, the ripenes of our present gracious King considered, to tender a marriage with the sister of that Kinge, which in appearance would facilitate the rest of the treaty, and would cleere to the world his Ma^ts^ abandoning totally the match and allyance with Spaine, which could hardly bee drawen from the hopes of many, nor the industries of others quenched to continue on that match, soe much their hopes, their ambicion, their zeale or supersticion had blowen them up and forced them upon the desire of that match. The Most Christian Kinge imbraced the match with all demonstracion of affeccion and honour, prayed that that treaty of maryage might have the first place, least peradventure it might bee conceaved that by a league defensive and offensive hee should wowe the then Prince of England for his sister, which had noe grace in it for her honour, but acknowledged the wisedome and reason of his Ma^ts^ proceeding, and promised underhand by comunicacion of councell, by contribucion of money, and by admission of men, to correspond with his Ma^tie^ the settlinge of the peace in Germanie, and recoveringe the Pallatinatt.

Sir Robert Anstruther. In the same time, and by order of the same consultacions a principall gent. was dispatched to his late Ma^ts^ sonne in lawe to communicate with him his Ma^ts^ Royall, pious, and gracious intencion towards him and his restauracion, and the peace of Germanie. Wherein his advise and assistance was required for the stirring up of the Princes of Germanie and the Kinge of Denmarke to a new union for the preservation of religion, the suerty of themselves, the recovering the ancient libertye of Germanie, and settleing the peace there, and the restauraccion of the Pallatinatt to the right heires, beinge of the blood royall of this Crowne. And accordingly

Q.[a]

[a] This and the other queries do not seem to express any doubt in the correctness of the narrative, but simply to imply a wish to seek further particulars, before the fair copy is made.

letters of creditt were sent by the same messinger to the Kinge of Denmarke and Princes of Germanie, and they were negociated with according to particular instruccions consulted on, formed and directed by a choice comittee of his Ma[ts] principall Councellors, and approved by the deepe wisdome of his Ma[tie] of ever glorious memory, and by his then Highnes. 1626. February 28.

There was alsoe, by the same councells, an expresse ambassador sent to the Kinge of Sweaden with the like instruccion, and another to the D. of Savoy, the State of Venice, and the Cantons of Switzerlande, with like instruccions to comunicate his Ma[ts] pious and glorious purpose with those Princes and Commonwealths, and to invite and stirr up them to correspond and joyne with his Ma[tie] against the common enemie, for the conservacon of their peace, suerty, and religion, where religion had ben in practise and reverence; which ouvertures were, by them that lay neere the dainger and sawe the truth of the proposicion, gladly imbraced, indeavoured in, and poursued to a readines to put themselves in armes, and by accion to declare that they would joyne with the first that should bee in armes for the common defence. Sir James Spens. Sir Isaac Wake.

In Germanie, where the pettie Princes were more overawed, and sawe the yoke prepared for them, and noe present powerfull redeemer armed for their defence, their answeares were cold, full of humble thankfulnes to the Kinge, with intimacion that when they might with suerty doe it, they would bee readie to joyne in councell and force for their suerty, the redemption of their liberty, and settleinge a peace; but this soe shadowed under feare of the present oppression, with the same neere them, and the small confidence they had of his Ma[ts] breaking from his pious love of peace to a warr, as they came not to any proposicions, and the King of Denmark, though with some more freedome, gave his answeare full of affeccion to the Kinge, full of approbacion of the worke, and with profession that, when his Ma[tie] should put into the field, hee would joyne and correspond with him in all things that might declare his affeccion to the person of his Ma[tie] and his, and for the establishing of the peace of Germanie, and restoreinge the Pallatinatt to his neepce and nephew and their posteritie. Then his Ma[tie] of glorious memorie (whose justly admired wisedome did undoubtedly see as much of the passed, of the present, and of that to come, at once, as ever any earthly Kinge or

1626. February 28. man did,) then sawe that, without an actuall declaracion of himself and puttinge his forces into the field to serve for countenance, relyance, and defence, there was noe stirringe the Germaine Princes to any fruitfull purpose. Hee alsoe sawe that to make a warr apart to countenance the rest to come in to him, would bee of soe immense a charge in comparison of the proportion of treasure given by the Parliament, as hee knew not how to reconcile the difficulties. In this tyme Count Mansfelt (out of experience and judgment that this greate change that had bin made in treaties and in the civill order of things must of necessitie drawe on an active warre,) came hither in person and presented his service to his Ma$^{ty}$ of glorious memory, presenting proposicions in which hee demaunded a round assistance from his Ma$^{ty}$, made offer to drawe the French King and some other Princes into the action, and for the somme of 20,000$^{li}$ a moneth to bee paid by the King, to carry 20$^{m}$ foote, 6,000 horse, and 12 peeces of cannon into Alsatia, and soe (with the French King's consent) to attempt the recovery of the Palatinate, and in all his actions to follow the direccions of the King of Greate Brittaine and the French King. At this tyme, those of the House of Austria and the Duke of Bavaria foreseeing a storme coming for the recovery of the Palatinate (upon serious consultations) resolved of the calling of a dyett, in which dyett they would settle the Palatinate perpetually upon a Romaine Catholique, and exclude the Prince Palatine, the King of happy memoryes sonne in lawe and his children for ever. And to make that the more sure they resolved to establish the peace of Germany upon condition to joyne all those Princes in a league and association to take armes against any that should goe about to alter the decrees of that dyett. And to keepe in awe the Princes of Germany, and carry the cause by force, or at least by the countenance of it, they designed the sending downe of Tilly with a greate army towards the Princes of those countryes that might bee thought opposite. His Ma$^{ty}$ of glorious memory in his greate wisedome seeing the necessity, found it good to lay hold upon Co. Mansfelt's propositions, and engaging him by a conditionall promise (in case hee could move France to joyne in that action and upon those conditions,) that then he would give order to his Ambassadors to see his owne part performed there, and was thus dispatcht home for a tyme into France. And his Ma$^{ty}$ of glorious memory refreshing his instruccions to his Ambassador

Duke of Savoy and the Venetians.

with the King of Denmark, did give him chardge to lett that K. knowe that his Ma^ty would bee ready to correspond with him and the rest of the Princes of Germany for the pious intentions formerly exprest, and did hope the French King would contribute towards it, and gave his Ambassadors order to declare to that King the diversion hee intended, and was in hand withall by Mansfelt conjoyned with other assotiates by making an active warre in Alsatia. 1626. February 28.

After some delayes given to Co. Mansfelt in France, the French King and his Ministers, beeing awaked by the progresse of Spaine, and the continuall allarums given them from the Valtaline, Savoy, and Venice, did begin to enter into treaty with his Ma^ts Ambassadors for a resolution to put Co. Mansfelt into action and to joyne English foote with the French horse, and soe to passe the troopes into Alsatia, and to give the King of Spaine and the house of Austria worke in more places then one at once. And to this effect Count Mansfelt toucht large sommes of money in France, and beganne his leavyes of horse there ; made leavyes of troopes of horse and foote in Germany, and by theise motions alarmed the Princes of Germany and the King of Denmark, and brought them into opinion that the King of England would enter into those actions in good earnest. And this fruite withall those motions had, that they wholly suspended the dyett even to this howre, and all the disadvantages to Germany and the Palatinate depending upon it. Where- Mons^r Bellyn.
upon the Marquis of Brandenburgh sent a principall person on ambassage to his Ma^ty of glorious memory to require of him assistance against the armyes that threatned him. And further to intimate the disposicions of other Princes of Germany, and more especially the Kings of Denmark and Sweden to correspond with his Ma^ty in stopping the course of the publique enemy and endeavoring to settle a peace in Germany. And to that purpose propounded a day to bee appoynted for the assembling of their severall Ambassadors at the Hagh; there to consult and resolve of the severall quotas and proporcions to bee contributed by every Prince and Commonwealth that would come in to the league. His Ma^ty of glorious memory condiscended to a day, agreed to the place, and the Ambassador of the Marquis of Brandenburg hasted into Fraunce to drawe the French King to the like consent, which accordingly followed. The French King to our Ambassadors there imparted his intentions to

1626. February 28. correspond and joyne with his Ma$^{ty}$ in the presente accions of C. Mansfelt to bee undertaken and pursued for opposicion of the publique enemy, recovery of the Palatinate, and settling the generall peace. The second instruccions from his Ma$^{ty}$ to his Ambassador with the King of Denmark were imparted to him. In this interim Tilly beginnes to move to the lower part of Germany. The remonstrance of his Ma$^{ty}$ to the King of Denmarke, the actions of Tillie, the leavyes of Mansfelt's continuing, and the advice given to the K. of Denmark of the treaty intended [a] at the Haghe betwixt his Ma$^{ty}$ and the United Provinces of a league defensive and offensive, did move that King to see it was more then tyme to oppose the Emperour's attempts, and did confirme him in the assurance that his Ma$^{ty}$ would really enter into action, to the ends declared by his Ambassadors. And seeing tyme and occasion admitted noe delay, that King sent (by an expresse dispatch to his Ma$^{ty}$) certaine proposicions upon performance of which on his Ma$^{ts}$ part hee with his allyes would put an army of 30,000 horse and foote into the feeld with artillery and all things belonging to it; his Majesty of happy memory, upon those overtures of the King of Denmarke, entered into serious consultation with himself, the King that now is, and a selected company
Q. of his Council, what was to bee done upon that subject and in that conjuncture of affaires, and upon ripe deliberation it was found that, except the King of Denmarke were brought into the feild, it was impossible for Tilly to bee opposed in his course, which would have depressed all the Protestants Lutherines and good affeccions to the union and peace of Germany, and have admitted his conquest of East Frizland and Embden, by which hee should not onely have distrest the States extreamely but have wonne to the King of Spaine harbours of notable consequence, whereby (corresponding with Flaunders and Spaine) hee would not onely have interrupted the whole trade, but have hazarded his Ma$^{ts}$ maistershipp of the narrow seas. And therefore it was resolved presently to dispatch an expresse to the King of Denmark to accept of his overtures, and to assure him of his Ma$^{ts}$ constancy in the pursuit of his
Act of Councell. pious ends. And withall it was found requisite by further consultation that the designe of Count Mansfelt should goe on and be maintained;

[a] "projected" written below and left unerased.

it beeing one of the parts upon which the King of Denmarke depended, that diversion to bee made by the joynt forces of his Ma$^{ty}$ and the French King. 1626. February 28.

The French King seemed to goe zealously and roundly on for Co. Mansfelt's attempt in Alsatia. His Ma$^{ty}$ likewise, upon the promise given by the French King to his Ma$^{ts}$ Ambassadors in France (confirmed here by the Fr. K. Amb.) by the advice of his Privy Councell and his Councell of Warre did goe in hand with the leavyes for C. Mansfelt, and did prepare them and put them in readines according to the designe to land in France.[a] But the backwardnes of Co. Mansfelt's troopes of horse and foote to bee leavyed in Germany; ill weather, and peradventur new councells in France not to finde it fitt to suffer 12 or 13$^{m}$ English foote to land there, and march upon the skirts of it, and upon all occasions of force by an enemy, or voluntary apprehensions of theire owne to retire into France; Breda beeing at that time in distresse and an important peece to bee saved by the States, the French K. conniving with the States, and with Co. Mansfelt, tooke the pretext of a notable worke to bee done for the releiving of Breda with the English foote and French horse joyned together, to insist that those troopes might not land in France but bee turned towards the Lowe Countryes, and whilest this dispute continued, the moneyes in the treasure of the subsedies fayled for the mainteynance of those troopes, and his gratious Ma$^{ty}$ that now is was forced to supply them with greate summes 20,000$^{li}$.[b] upon his owne credit, and the Duke of Buckingham to engage his credit and putt forth his industry according to the wise councells and directions of his Ma$^{ty}$ of glorious memory with the assistance and direccions of his Ma$^{ty}$ that now is, and by the advice, direccions, and formall acts of the Councell of State and Councell of Warre, to turne Co. Mansfelt and his troopes to the designe of the Lowe Countryes, where by the crossnes of Q. winde and frosts which kept back the French and Germaine troopes, sicknes fell amongst the English beyond the power of humanity to prevent or cease it; and yet necessity for the reputation and countenance of the rest of the actions did inforce the keeping up of his troopes, which

[a] "in France" is written over "at Callis" under which a line is drawn, which may have been intended to go through it.

[b] *i.e.* 20,000$^{li}$ a month.

1626. February 28. his Ma^ty did upon his owne treasure and creditt, the subsedies graunted by the Parliament having bin distributed to those ends they were designed to by that assembly, but did not reach out to the conclusion and perfecting of any one of them.

The United Provinces were at this tyme much dejected, greate sicknes beeing in their campe; Breda visibly to bee rent from them; the enemy beeing soe strongly quartered as all attempts were fruiteles, dispaire reducing of them to the councell of treaty and capitulation with the Infanta. A daungerous consequence for themselves, this State, and all Christendome; whereupon it was consulted here, and thought more then tyme to put them into heart with assistance to them of a league defensive and offensive, by which his Ma^tie might fortifye himself and this kingdome by conjoyning his shipping to theires, and keeping them up in an active warre, which might not onely busy the flower and principall force of the King of Spaine, foote and horse, but would continue a notable consumption of his treasure; whereupon overtures were made, ambassadors sent from thence, and commissioners appointed by his Ma^tie to treate and conclude that league, which accordingly succeeded. And his Ma^t of glorious memory, having in his wisdome foreseene the necessity and advantage to be made, by preparing a fleete, both for securing his owne coasts, and offending his ennemies att sea and in their owne dominions, a project of a Royall fleete was made in his time, and consultations had long before hand for all preparacion requisite to sett it forth; and it being in good forwardnes, his Ma^tie that now is comming to the Crowne, a select Committee was appointed to consider and advise him which waie this fleete might most advantagiously be employed; and although the taking of Le Bayia in Brasill[a] did drawe away the principall forces of Spaine for that important recovery, yet were the preparaccons such in Spaine, and the possibilytys such of the returne of that fleete, whether they regayned the place or noe, the triall beeing of necessity to bee short, that the wisest counsell was to sett forward the fleete with the greatest expedition and force possible. And shortly after, God taking to his mercy his Ma^ty of glorious memory, and his gratious Ma^ty that now is by the providence of God succeeding according to his

Lo. Trea'r. Ley.
D. of Buckingham.
Lo. Chamberlain.
E. of Carlile.
E. of Holland.
Lo. Conway.
Lo. Brooke.
Mr. afterwards Mr. Secr. Morton.
Sir Rich. Weston.
D. Buck.
Lo. Grand. [Grandison.]
Lo. Carew.
S^r Rob. Mansel.
S^r Tho. Button.
Lo. Trea'r.
D. of Buck.
Lo. Chamb.
Lo. Conway.
Lo. Brooke.

[a] *i.e.* by the Dutch.

undoubted right to theise his Crownes, did pursue his late Ma^ties Councells by the same wayes and to the same intentions that the high wisedome of his reverenced father had traced out unto him. 1626. February 28.

And his Ma^t finding by a long experience in the D. of Buckingham an active vertue, able to doe him service, his Ma^ty honored him with his commandments and charged him to give expedicion to all those designements judged proper for the State by his father's greate wisedome and by his now Ma^ty directed.

It was obedience, it was honor, it was wisedome in the D. of Buckingham to travaile with the zeale hee did to give expedition to all theise soe noble soe necessary works in hand ; in all which (notwithstanding) hee proceeded with the severall councells appoynted to them, saving in this one poynt which hee hid of his owne head, hee engaged himself and his freinds for 60,000^li at the least to sett forward the fleete, and yet the slowe pace of the dispatch of the fleete, the leavyes of the men, and theire ordering and trayning were principally through defect of moneyes, the remedies of which were neverthelesse advised upon by a comittee of councellors elected for that purpose.

And according to the league defensive and offensive concluded with the States, use was made of the State's shipping to accompany his Ma^ts fleete, and his Ma^ty did, with the advice of his Councell (many of which attended him) finde it good to countenance and expedite the journey to goe to Plimouth to see the land forces togeather and the fleete, and to bee present upon all occasions to give all possible remedy to any defects. With the good pleasure of his Ma^ty and the advice of councell, it was thought fitt to declar the journey in his Ma^ts name, and by that meanes according to the lawe of nations to forbidd the assisting and succouring of the King of Spaine with ammunition or victualls and to make prize of all those that should doe it contrary to that inhibition and the lawe of nations. His Ma^ty found at Plimouth the land forces in good health, and in better order then could have bin supposed. By the knowledg of his Ma^ty, and the onely providence and industry of the D. of Buckingham, there was procured out of the Lowe Countries such Collonells, Captaines, and Officers, as gave (in the eyes and judgments of all men) occasion to the Councellors with his Ma^ty, the rest of the nobles and all persons to judg that never any fleete went out of England better fortefyed with commanders and officers by land, better furnished and provided of all

1626. February 28. equipages by sea, then that fleete and that land army, for the bignes; nor better provided with armes, munition, and victualls.

And for the Lord Marshall (whoe supplyed the place of the Duke of Buckingham restrained from that voyage by his Ma^ts^ expresse comaundment,) the choyce was as good as the tyme could afford; hee beeing noblely borne; bredd long a souldier, practized in the theorick and use of armes; had often seene and encountred an enemy; and was by the State imployed at Juliers in a supreame commission of his Ma^ty^ of glorious memory over the English then put under his perticuler commaundment for that service; soe as the Duke was well warranted to make choyce of him, and hee is to make answere in all the poynts of his owne goverment, bee they warrantable or defective, when hee shall bee heard.

Touching the prizes that were taken they were taken according to the lawe of nations, and soe as they must bee continually taken, or ells our neighbours will supply and support the enemyes and enrich themselves to the disadvantage and impoverishment of this kingdome.

And having made unto you this cleere and true narration, what can it bee that can move soe many jealousies, rumors and misinterpretations, but, as the poets have feighned, to disorder the greate vertuous and heroicall works, the evill spiretts have bin lett loose to misguide, misinforme, and sowe sedition amongst those weake spiritts that cannot perfectly judg of truth, but love lyes, and scandalls, the foode of envy and mallice.[a]

And even upon this subject you may see two plaine examples, the one, when the Duke of Buckingham, warranted by the knowledg and avow of the then Prince, did pursue the dissolution of the match and treatyes, and declared the abuses past, and did endeavour by a vertuous boldnes, constancy, and truth to undeceave his Ma^ty^ of glorious memory and the whole State in theire judgments of the King of Spaine's proceedings and the intent of those treatyes, it was manifested to all men what a deepe and daungerous untrue conspiracy and accusation the Spanish Ambassadors contrived against the person of the Duke. And if a man may believe the Marquis of Inojoza and Don Carlos,[b] they were invited, sett on, and warranted

[a] There is a long blank space after "mallice." What follows is written on another page.

[b] Don Carlos Coloma.

to have proofes of those of our nation whome they charge to have betrayed them, but would not discover them, as conceaving it dishonorable for them to doe, and of ill example for their Maister's service against another tyme. 1626. February 28.

The second did in some measure breake out at Oxford upon the calling of that Parliament, which was done, as was whispered, upon a wilfullnes or appetite of the Duke of Buckingham's to shew his power, and overrule a Parliament by bringing it in tyme and place to fulfill his affeccion or satisfy his ends, but truly and really it was his Ma^ts^ absolute will and pleasure upon the view and comparison of the impossibility to make the defences and performe the hono^ble^ resolutions of necessity to bee putt in execution for the safety of the kingdome with the subsidies graunted, and all that his Ma^ty^ could contribute to it out of his Exchequer. And, therefore, of his owne wisedome, his Ma^tie^ did by the comparison of the necessitie hee had to doe great workes, and the too smal meanes to performe them, and through the confidence he hadd of the affeccion and judgment of his people to assist him upon his reasons heard. It was the ymediate councell and resolucion of his Ma^tie^, and his proper worke. And therefore they were malicious spiritts, envious, and false, that sought to stirr the passion of the people by false informacions, that the worke was nott the King's but a particular man's. And doe but marke how ill they deserved that bussed and bruited soe false suggestions, by which the most excellent, pious, judicious, and constant Prince that ever was of his yeares was traduced to his people as a man uncapable to governe himself, and therefore would suppose him to bee in the power and direccion of another, and find it requisite to redeeme him from that power by puttinge him into the tutellage of a Councell, and that upon soe litle ground or cause as a light supposicion taken that hee did not make use of his councellors for councell. Whereas, indeede, his Ma^tie^ did in all things proceede with councell, fittinge to every occasion counsellors proper for the things in handling, hys Ma^tie^ being a Kinge aswell able to judge of his councellors [as] to apply himself to their councells, and to rule them and over rule them for the advantage of his honor and service, as any Kinge in Christendome. And therefore the happier and righter way were if the inquiries upon the King and his councells might bee least, and that they would seeke out the raisers, devisers, and

1626. February 28. informers of theis sedicious, malicious, and false suggestions, and give them the due punishments of their deserts, and goe cheerefully and roundly to the establishment of religion according to the practize of our Church, to the defence of his Ma^ts^ Crownes, and the subsistance of our neighbours and allyes, and the maintenance of the true religion in Christendome. The evills beeinge indeede the advancement of the Kinge of Spaine and House of Austria towards a monarchie, and the possession that hee hath gotten in the minds and affeccions of the Romaine Catholicks, and other ambicious and discont[ent]ed persons here.

The causes are the ambicion of Spaine, and the weakenes

[Incomplete.]

# IV.

## MR. PYM'S REPORT ON MR. MONTAGUE'S BOOKS,

### DELIVERED IN THE SECOND PARLIAMENT OF CHARLES I.

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Lune, 17° Aprill, 1626.

1626. April 17.

State Papers, Domestic, 25, 10.

Notes of the reporte touching Mr. Mountigue; he reported:

1. The motives induceing the Comittee's care in this matter.

1. That wee are called to Parliament to treate *de* [*arduis* [a]] *et urgentibus negotiis nos regnum statum et ecclesiam concernentibus.*

Motives.

2. God's cause being the highest, comaundes us to marke those that make division against his service and the doctrine receaved.

3. The wisdome of all greate estates doe concurre heerein:

1. Uppon the principall of reason, for that noething workes more uppon the inward faculties then the stirreinges in poynte of religion.

2. Uppon the principall of experience, that the raiseing of a division or distemper in religion doth often meete in this *tertio* to ruine the bodie of the Church and State. Therefore, Mountigue to be staied lest his infection ascende to higher degrees.

3. The practize of former Parliaments in the like case, and in this case at the last Parliament, at what tyme it was resolved by question: 1. That he had offended against the priviledges of this howse: 2. That a conferrence should be demaunded of the Lords touching his positions.

The Reporter represented 2 cautions from the Comittee under this hedde:

1. Not to punishe him untill a conference and determination with the Lords, least his punishment for the greater offence be therebie anticipated.

2. Not to medle with the doctrinall parte of his workes, but as they disturbe the peace of the Church and Comonwelth.

[a] "Ordines" in MS.

1626. April 17. The chardge and evidence.

2. The chardge braunched into 3 heddes:

1. That he hath disturbed the peace of the Church by publishing doctrine contrarie to the Articles of the Church of England and the Booke of Homilies, which two bookes are to be used as the evidences against him.

2. There are diverse passadges in his bookes, namelie, the Gagge, the Appeale, touching the invocation of Sayntes apte to move sedition, 1. betwixt the Kinge and his subjects, 2. betwixt subject and subjecte.

3. That the whole frame and scoape of his bookes is to discouradge the well affected in religion from true religion established in our Church, and to incline them, and as much as he can to reconcile them, to Poperie.

Touching the first hedde of the chardge there are instanced manie particular passadges in his said worke:

1. The book of homilies in the 2d parte of the sermon of the guiftes of the Holie Goste, where there is a conclusion inforced uppon diverse premisses that the Church of Rome is not, nor can be, a true Church. The contrarie whereunto is affirmed by Mr. Mountigue.

2. In the 39 Articles and the Homilies it is affirmed that the Church of Rome is not builte uppon the Prophitts and Apostles, which appeareth by mayntaineinge transubstantiation, multitude of sacraments, and the like: Mountigue affirmeth it true in the fundamentalls, albeit he qualifieth it not to be sownd but, as it were, crasie or diseased.

3. To that he saieth the Church of Rome is a true thoughe not a sownde Church; our Church saieth of the sacrament of the masse and in other poyntes they are blasphemous and daungerous.

4. Our Homilies doe teach[a] that images are noe good lessons of godlines: Mountigue in the 33. page of the Gagge saieth they maie be used for instruction of the ignorant, and stirring upp devotion. And uppon this tenet he speakes not in his owne single person, but "wee," as that the Church of England soe mayntaines it.

5. Mountigue saieth the sayntes be peculiar patrons for some contries, and have peculiar chardge of theire frindes, as St. George for England, &c. The Homilie saies they are but as *dii tutelares*, as gods of the Gentiles.

[a] "touche" in MS.

6. Whereas the Article of the Church of England denieth the falleing from grace Mr. Mountigue affirmeth that men after grace receaved maie fall and rise againe. Wherein the Reporter observed that Mr. Mountigue: 1. He hath misreported and perverted the Article of our Church in the poynt: 2. He opposeth the Church of England to the Church of Ireland, and the Articles of either to other in the poynte: 3. He opposeth the Church of England to the reformed Churches in the poynt: 4. He falsifieth the wordes in the conference at Hampton Court in the poynte: 5. He contradictes himselfe, for in his appeale he justifieth the Homilies to be approved by Parliament and in this poynte. And in an other place he saieth they doe not contayne the dogmaticall resolution of the Church of England. Touching the second hedd of the chardge for sedition he reported three propositions resolved by the Comittee: 1626. April 17.

1. That under the name of Puritanes he collecteth the greatest parte of the King's true subjects proved by his passadge in the Appeale, page 30, and page 111 he reacheth to the some of the Bishopps, and page 114 that his Majestie and our Church hath disbanded them and they are taken of from the Churches protection, and sent to their owne home.

2. The 2d proposition that Mr. Mountigue endeavors by odious crimes to bringe his Majestie in jealousie with in that parte. 1. In his appeale page 114 calleing them an overweeneing faction, and soe chardgeing them to be with other passadges in that page; 2, page 136, he calleth them a stronge potent and prevaileing partie that runn a course in theire tenets against or beside publike enacted and authorized doctrine; 3, page 3, it is not unknowne to authoritie, &c., and soe forth in that page; 4, page 42, they ayme at anarchie, with the like passages there; 5, page 44, that with foren doctrine, &c., they maie wynde in with foren disipline, and other passadges of that page.

3. The 3d proposition that Mr. Mountigue endeavours by like odious crimes to bring that partie into contempte of the rest of the subjects: 1. In the epistle dedicatorie he calles them puritanes; 2, page [a], the divill brought them upp; 3, page 276, that they esteeme of the crosse as Julian the Apostate did; 4, page [b], in that he saieth they are a potent partie, it raiseth passion in other subjects.

Touching the 3d hedde of the chardge: 1. Reconcileing to the Church of Rome is treason by 23 Eliz. The penaltie whereof he maie avoyde.

[a] Blank in MS.

[b] Blank in MS.

1626. April 17. But the State cannot soe easilie avoyde the mischiefe which groweth theise 5 waies by his meanes uppon this hedde :

1. By his opinions. 1. The poyntes of doctrine of the Church of England he disputes problematicallie; 2. He disavowes other; 3. He saies in some they are not different from the tenets of Rome. Soe as of 47 mayne differences betwixt the Church of England and of Roome he saieth there be but 9 to be accompted differences, and those not daungerous, but such as maie be tollerated, for which he seeth soe cause that there shold be marterdome. That there be certen tenets objected by either side to other by deduction and implication, not expresselie; as they to us, that God is the author of sin and some other like, which Mr. Mountigue doth improve and straine. But ours in the like case against the Romishe, where wee chardge them to derogate from the merritts of Christ's passion, and such other like, he maketh and termeth them but Bugges, &c.

2. By his countinancinge the practize of the Popishe Church in Images, the Crosse, and other like, and by his owne use and comforte by them.

3. By his opinions concerneing the Church and the Pope throughout his bookes, wherebie he seekes to drawe men to them heere, the reporter instanced some passages concerneing Anselem which I did not heare well.

4. By his opinions touchinge the Dyvines of Roome and of our side. Of Bellermyne and others of that side he speaketh modestlie and with respecte. But of Calvyn, Beza, and others of our side he speaketh with scandall and contempte which reflecteth uppon the religion.

5. By his palliatinge touching the oath of supremacie, being the partition wall betwixt us and Roome, touching which in the Gagge, page 86, he seemes to denie Q. Eliz. to be the hedde; howsoever he qualifieth his position in the end by an exposition. But to the weake the begininge maie doe more harme then the end can doe good.

Observations uppon the chardge.

Observations which the reporter said he was required by the Comittee to deliver *super totam materiam*:

1. By this disturbance Mountigue acte[s] a projecte given to King Phillipp the 2[d] of Spaine, the enemie of Q. Eliz. toward the end of her raigne, by Campanello for the ruine of her estate, which was to bring the Church and State into confusion in matter of religion.

2. The Papistes are strictlie forbidden to reade our bookes, yett they are allowed to reade his bookes and they are applauded by them. 1626. April 17.

Aggrevations uppon the heddes of his chardge:

1. That his bookes are dishonorable to the Kinge deceased in fower particulars:

1. That his Chapeleine shold teache and mayntaine the doctrine which the King as Defendor of the Faith labored to suppresse in foren Churches and Countries.

2. That he contradictes the late Kinge, *in terminis*, in the opinion of totall faleinge away from grace; Bertius said it was the opinion of the Church of England. The late King gave him the lie therein. But Mountigue mayntaineth it as the doctrine of the Church of England.

3. He vilifies the assemblie of Dorte, being framed by his Maj. spetiall meanes, with the termes of partiall, foren, and other like, full of scandall and slightinge, and espetiallie of those reverend and grave persons sent by his Majestie to assist there, as is well knowne to an honorable person[a] nowe present.

4. Whereas the Kinge in his monitorie preface hath spent about 60 pages to prove the Pope Antichist, Mountigue saieth he never yett heard a perswadinge argument for it, and heerebie he perswadeth manie to incline to Roome, and from dislikeinge it, by saving the creditt of that Churche.

2. Aggravation is by rayleing termes against the partie as in severall pages of his Appeale, terming them classicall hornetts' nests, cheverellized consciences, liers, theeves, rebels, quicksilver, and manie other like or worse.

3. Aggravation by dispiseing and scandalizinge the persons of our worthie Divines of our Church and other reformed Churches; as in his Appeale, page 51, termeing Calvyn the founder of their fancies; page 173, Calvyn, Perkins, Beza, your owne dictators, that Perkins would faine puritanize and hewes on the hoofe; Whitaker's a throughe man of their side and earnest promoter of novell opinions; Do. Hall for his sermon *Maledicti Pacifici*, unwoorthie to be hard in a pulpitt; page 292, Do. Pridicioxe[b] for his thesies and lectures; besides his generall scandalles, as *Calvinisme*, *Genevisme*, &c.

[a] Sir Dudley Carleton.

[b] Prideaux.

1626. April 17.

4. Aggravation: his detestable prophanes (soe he was required by the Comittee to terme it) and impietie in scoffinge at preacheing and other exercises of religion; as in the Appeale, page 8, popular autorrizinge of dismembred scripture, classicall divisions, propheticall determinations, &c. 39, popular preachings, he leaves the enformers to chewe the cudd after lectures, he joynes prateing, readeinge, preaching, and lectureinge, in one bundell; and page 88, "in theire sermons, lectures, and pulpitts, they brawle at the shadowe of their owne fancies, as doggs barke at the moone," and "in fighting the Lord's battailes," which he doth sett forth in spetiall letters as a mark of scorne, as they would seeme, and "theire silie auditors conceave they fight with shawfowles of theire owne setting upp," &c. The holie cause and crieing Abba Father he speakes of in scorne; never a saynte-seemeinge or byble-beareing Puritaine a better Patriot then he, &c. All which he makes markes of scorne, with other like in that kinde.

The sense and judgm[t] of the Comittee.

Uppon all which the Reporter is required by the Comittee to declare to the howse—

1. That Mr. Mountigue stands guiltie of the said three crimes or heddes of the chardge.

2. That as a publique offendor to the State and Church, he is to be accused to the Lords for punishement.

3. If the howse doe soe determine, he hath further in chardge to propownde some poyntes for preparation.

The Speaker after a breefe recollection of the reporte presented to judgement theise two generall heddes—

1. Whether the howse were satisfied that the matters were soe as they were chardged.

2. What is to be don uppon the chardge.

Uppon the debate of theise heddes there were severall opinions.

Some conceaved that the matters (being of facte and positive in his owne writings) to be cleere, that wee shold but accuse him where he might make his answere. The effecte of his answere was understood since the last Parliament, that we shold be troubled with his windeinges, shiftinges, and prevarications. That his upholding Poperie and Arminianisme was manifest; and therefore they moved that he should be forthwith exhibited to the Lords, and to that purpose to praie a conference.

1626. April 17.

Others with protestation in theire conscience he was to foule, yet conceaved that in comen justice he shold be first hard, and by God's example, whoe did best knowe the transgression of Adam and yett hard him. That what was collected *sparsim* he might answere out of the whole contexte, and he ought to have that libertie. That his answere the last Parliament was noe satisfaction to this, the Members being in a greate parte altered. That wee could not proceede presentlie against him before wee had (for our private satisfactions to leade our judgements) compared the chardge with his bookes. Therefore, for the honor and justice of the Howse, and least wanting proofe before the Lords it reflecte uppon our judgementes, and he glorie in the triumphe, Therefore they moved he might be warned by the Serjant to be in the Howse on Thursdaie next by ix of the clocke in the morneinge to speake for himselfe, if he list, or to be condemned by defaulte, and that a selecte Comittee to frame out of the matters of the chardge certen interrogatories to be propounded to him by the Speaker.

Some conceave that at his comeinge wee shold not touch uppon anie doctrinall poynte, nor farther then what concerned his offence in disturbinge the peace of State, or in poynt of contempte to this Howse. And this by the precedent of the last Parliament. Others conceaved that as the Articles of Religion were confirmed by Acte of Parliament, and according as the Parliament in 4° Eliz. had provided against the depraveinge of the Booke of Comen Praier and the Sacraments, that it is not out of our cognizance to examine the disturbers of the peace of the Church raiseing divisions by infectious doctrine.

But one affecting, as it seemeth, to be singular began to this effecte: That it might well be censured overboldnes and rashnes in him to speake soe soone, this being the first day of his comeing into the Howse at this Parliament, but God's cause overuled him, desires to be excused that he differs from the opinion of the reporte and of all other opinions to goe to the Lords, for that there maie be some suspected amonge the Lords to be favorers of these opinions (and this he iterated as to be spetiallie observed therein, which moved a throughe hume or hesitation in the Howse and a call on him to the poynte), and if they refuse to joyne with us in petition: —I am noe prophitt—and therewith retorned agayne uppon his doubt of the Lords, wee are diverted from our right course, therefore

1626. April 17. he proposed his course, that we shold ymediatlie goe to the Kinge and lett him see our care, and to move his Majestie, that whereas his father sent learned divines to the Synod at Dort, to rectifie Arminianisme, that his Majestie would referre the consideration of this man's workes to those learned men to declare theire opinions for guideinge the judgement against him; but this was generallie receaved as unequall.

The order. In conclusion it was ordered by question:

1. That the Serjant shold warne Mr. Mountigue to attend the Howse on Thursdaie next in the morneinge at 9 of the clocke, to be hard to speake touching the matters chardged if he listed.

2. That the former Sub-comittee of Religion imployed for this matter (and Sir Thomas Hobbie to be joyned with them) shold in the mean tyme drawe certen interrogatories out of the matters of the chardge of the reporte, for the Speaker to chardge Mr. Mountigue. It was afterward moved to petition the Kinge that whereas Mountigue's booke of Appeale was answered by a Reverend Bushopp and a learned member of the Howse of Comons, that his Majestie maie be moved to order the staie of replie or further writinge uppon this argument.

Which proposition by question was ordered alsoe to be referred to the Sub-comittee to consider and digest.

The heddes of the chardge against the B[ishop] of B[angor]:

1. Symonie for his Bushopricke. 2. Incontinencie. 3. Lycensinge of incestious marriadges. 4. Makeinge apprentices and tradesmen ministers, and bestoweinge liveings on them. 5. Bestoweing liveinges uppon unworthie ministers, and some for marieinge women being with child begotten in the Bishop's howse.

Ordered by question to be referred to the Comittee of Religion, and a warrante to be graunted by the Speaker for such witnesses whose names the prosecutor of this matter will tender to the Speaker.

*Indorsed, in Laud's handwriting*:—The Report made in the Lower House bye Mr. Pimme concerninge Mr. Mountague, April 18,[a] 1626. (7) 10. Arminianisme, Popery.

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[a] Apr. 17. Commons' Journals, i. 845.

# INDEX.


Abbot, G. Archbishop of Canterbury, consulted about Montague's book, 33

Alford, Mr. E. speaks on the motion for adjournment, 8; recommends a committee on the business of the House, 9, note; objects to Heath's taking the chair at a Committee, 16; holds that employment by the King is not a bar to the censure of the House, 69, 70; argues that the House is not bound by the last Parliament, 88, 135; objects to giving, 121, 146; proposes a declaration to the King, 125

Ashley, Sergeant, on *habeas corpus*, 64

Becher, Sir W. supports a demand for additional supply, 59

Buckingham, Duke of, his speech at Christchurch reported, 94; is named as the cause of misfortune by Seymour, 118.

Catholics, penal laws against, 14, 18, 25, 26, 30, 41

Cavendish, Lord, reports a conference, 63; on *habeas corpus*, 65

Chancellor of the Duchy of Lancaster, see May, Sir Humphry

Chancellor of the Exchequer, see Weston, Sir R.

Charles I., speech at the opening of the Session, 1; his intentions in the war described by Williams, *ibid.*; his answer about the past, 17, 28; answers the grievances, 37; recommends adjournment, 41; orders Sir J. Coke to make fresh demands, 56; answers the petition on religion, 62; message for adjournment, 65; moves House to be called, 67; orders the adjournment to Oxford, 68; speaks at Christchurch, 73; sends a message to hasten supply, 106

Cholmondely, Mr. on the duty of a sheriff, 55; objects to a present supply, 108

Clerke, Mr. committed to custody for speaking of invectives against the Duke, 91, 139; submits and is restored to his place, 92, 141

Coke, Sir E. speaks against the appointment of a Committee for grievances, 11; suggest the settlement of a book of rates, 13; speaks on the fast, *ibid.*; commends a Bill on taxes, 16, 17; speech on supply, 32; speaks on the answer to the grievances, 41; on the Tonnage and Poundage Bill, 44; on Montague's book, 52, 53; reports his Majesty's message, 66; informs the Lords that the Commons are ready for adjournment, 67; objects to freedom of publication, 69; speaks on Montague's case, 70; advocates the right of Parliament to inquire into all cases, 71; reports on two Bills, 71; his speech on the King's revenue, 84, 130; objects to a subsidy, but proposes to give money as a private man, 115; on the King's jurisdiction at sea; 118; reports a conference on the pardon of a Jesuit, *ibid.*

Coke, Sir J. asks for additional supply, 56; speaks on the adjournment, 61; his explanation to the two Houses, 74; replies to Eliot on behalf of the Navy Commissioners, 90, 138

Conway, Lord, his declaration at Christchurch, 73

Cope, Sir W. his election questioned, 7, 14

Coryton, Mr. wishes the King to be supplied on conditions, 137; advises that the supply be postponed, 143

Crewe, Mr. on deprived ministers, 28

——— Sir Thomas, chosen Speaker, 3

Delbridge, Mr. speaks on a petition against toleration, 12; objects to a fresh supply, 108

Danvers, Sir John, wishes a Committee to set down what was said at Christchurch, 77

Digges, Sir D. on deprived ministers, 28; sent to Abbot about Montague, 33; on *habeas corpus* 65

Drake, Mr. speaks against Arminianism, 71; wishes to spare the poor, 113

Duck, Mr. speaks on the Sabbath Bill, 9 ; on *habeas corpus*, 64

Edmondes, Sir T. moves for subsidies, 80, 135
Eliot, Sir J. speech on the business of the House, 11 note b ; moves a call of the House, 67 ; advises that the Sergeant bring up Montague, 71 ; recommends the House not to hold Buckingham responsible, 90, 137
Erle, Sir W. on the Tonnage and Poundage Bill, 43 ; gives an account of a seizure at Mrs. Esmonde's house, 90, 136 ; thinks the King ought to guard the seas, 118

Fairfax, Sir Thomas, his election questioned, 13
Fanshaw, Sir T. on the increase of Recusants, 26 ; on *habeas corpus*, 64 ; fast, petition for, 6, 14, 28
Finch, Sir Heneage, Recorder of London, his report on Montague's book, 47 ; on *habeas corpus*, 65 ; reports the Lord Keeper's speech at Christchurch, 94 ; supports a grant of subsidies, 113
Fleetwood, Sir Miles, moves for a public fast, 6 ; suggests conditions on which supply may be granted, 140

German, Sir T. advises to give supply, 108
Gerrard, Sir G. (?) quotes Parry's case, 70
Giles, Sir Edward, moves for a communion, 6 ; objects to an additional supply, 59
Glanville, Mr. on the Yorkshire election, 44 ; objects to the Adjournment Bill, 55 ; delivers a petition from Captain Harte, 106 ; argues against a supply, 114 ; thinks the King's ships do nothing against pirates, 117 ; brings in the last declaration to the King, 125
Goring, Sir George, suggests that Buckingham may clear himself before the Commons, 89

*Habeas corpus*, petition on, from prisoners in the Fleet, 63
Hatton, Sir R. on deprived ministers, 28
Heath, Sir R. objects to an adjournment, 7, 8 ; in the chair of a committee, 16 ; on silenced ministers, 26 ; delivers message about the fast, 28 ; gives the answer to the grievances, 37 ; on the Tonnage and Poundage Bill, 44 ; supports the Adjournment Bill, 55 ; gets rid of the proposal for an additional supply, 59 ; reports on the delivery of the petition on religion to the King, 61 ; objects to Montague being sent for, 69 ; recommends the grant of supply, 87, 133 ; reports the Duke of Buckingham's speech at Christchurch, 94 ; suggests an application to the King, 146 ; explains the charges brought by Mansell, 122, 147
Hoby, Sir T. moves for a Committee of Grievances, 9 note a ; complains of the number of recusants, 25

Impositions, objected to by Philips, 12

Jephson, Sir J. wishes a sermon to be preached in the House, 6
Jorden, Mr. for punishing a man who had spoken against the Parliament, 63

Killegrew, Sir R. wishes the question for supply not to be put, 122

Langton, Mr. his opinion in a case of privilege, 60
Ley, Lord, Lord Treasurer, financial statement by, 102, 142
Littleton, Mr. on the duty of a sheriff, 55 ; objects to the demand for additional supply, 59

Mallet, Mr. opposes the motion for an adjournment, 8
Mallory, Mr. urges an adjournment, 7
Mansell, Sir R. refers to proceedings at the Council of War, 115, 117 ; thinks the King should defend the seas, 118 ; his statements replied to by Heath, 122, 147 ; replies, 123, 162 ; argues for giving a supply, 120, 144
Mansfeld, Count of, his expedition, 170

Marten, Sir H. on deprived ministers, 29 ; on recusants, 30 ; speaks on the grievances, 39, 40 ; on his case of privilege, 47 ; objects to Adjournment Bill, 55 ; on young ambassadors, 69 ; advises a grant of supply, 120, 144
May, Sir Humphry, on debtors, 16 ; supports Heath's appointment as chairman of a committee, 16 ; his opinion on the Yorkshire election, 37 ; speech on supply, 78 ; recommends a supply, 135 ; advises not to adore precedents, 110
Maynard, Mr. praises Buckingham, 108
Middleton, Sir T. speaks on money paid for soldiers, 63
Mildmay, Sir H. advises that a contribution, not a subsidy, be granted, 90, 136 ; supports a grant of subsidies, 114
Montague, Richard, his books questioned, 26, 33, 42, 47 ; Abbot's report on his proceedings, 34 ; is committed by the Commons, 51 ; the King's interference, 62 ; excuses himself from appearing, 69 ; report by Pym on his book, 179
More, Mr. complains of the increased number of recusants, 25
More, Sir G. speaks on the motion for adjournment, 8 ; on the appointment of a Committee of grievance, 12 ; reports on the Yorkshire election, 13 ; supports Heath's appointment as chairman of a committee, 16 ; reports on the Yorkshire election, 36 ; reports from a Committee of Privileges, 59 ; objects to a conference with the Lords on supply, 77 ; recommends a supply, 89, 135 ; asks for a vote on supply, 113 ; produces a precedent for giving a second time, 121, 146
More, Sir R. on Montague's case, 71 ; advises a message to the King, 124 ; objects to reasons being drawn up for refusing to give, 124

Naunton, Sir R. Master of the Wards, urges that a supply be given, 107
Nethersole, Sir F. opposes Wansford's motion for removal, 8 ; insists that Parliament was bound to supply the King, 89, 136 ; begs the House not to refuse subsidies, 124
North, Sir R. supports supply, 110
Norton, Mr. wishes a sermon to be preached in the House, 6

Oldsworth, Mr. appointed to preach, 29

Palmes, Sir Guy, quotes the case of Empson and Dudley, 112
Perrot, Sir J. election petition of, 6
Philips, Sir R. supports an adjournment, 7 ; advises consideration of the impositions, 12 ; speech on supply, 31 ; on tonnage and poundage, 43 ; wishes that Montague may be sent for, 69 ; speech on supply, 80 ; speaks on the pardon granted to Baker the Jesuit, 90 ; objects to supply, 109 ; speaks disparagingly of Buckingham, 118 ; advises that no notice be taken of the impending dissolution, 124 ; is content to take his chance of imprisonment, 127
Popham, Sir F. supports Heath's appointment as chairman of a committee, 16
Preston, J. appointed to preach, 6, 29
Puckering, Sir T. makes a remonstrance to be prepared, 146
Pye, Sir R. announces that Clerke is ready to make submission, 92, 141 ; delivers a petition from Burlamacke, 106
Pye, Sir W. on the duty of a sheriff, 55
Pym, Mr. speech attributed to him, 11 note b ; appointed to draw up articles on religion, 18 ; speaks on the pardon to Baker, the Jesuit, 141 ; reports the Lord Treasurer's speech at Christchurch, 102

Recusants, see Catholics
Religion, petition on, articles prepared for, 18, 28, 41 ; Petition presented, 61
Rich, Sir N. wishes silenced ministers may preach, 26 ; speaks on Montague's case, 62 ; advises that five conditions be demanded before supply is granted, 90, 138 ; speaks on the mode of proceeding to a conference, 92
Rolle, Mr. speaks on the Yorkshire election, 37 ; objects to Adjournment Bill, 55 ; on *habeas corpus*, 64 ; thinks the fleet will do no good, 114 ; quotes a precedent, 118
Rudyerd, Sir B. objects to a sermon being preached in the House, 6 ; advises a discreet behaviour in Parliament, 9 ; on silenced ministers, 26 ; speaks on supply, 30

Sanderson, Mr. offers to speak out of order, 106
Sandys, Sir E. appointed to draw up articles on religion, 18; complains of the number of recusants, 25; speeeh on supply, 31; reports on an imposition on wine, 35; speaks on *habeas corpus*, 65
Seymour, Sir F. moves for a petition on toleration, 12; moves a supply, 30; thinks the King ought not to notice their proceedings, 70; speech on supply, 78; against giving, 111; names Buckingham, 118; repeats his objections to giving, 121
Sherland, Mr. speaks against supply, 124, 148
Shervill, Mr. on the Bill on taxes, 33; on the Tonnage and Poundage Bill, 44
Shute, Dr. appointed to preach, 6, 22
Solicitor-General, see Heath, Sir R.
Stradling, Sir John, speaks on supply, 138
Strode, Mr. speaks on the Yorkshire election, 31; speaks on supply (perhaps this is an error for Sir W. Strode) 136
Strode, Sir W. moves for a committee on petitions, 7; advises that the supply be drawn from the rich, 89, 135; speaks on supply, 90, 146

Taylor, Mr. on *habeas corpus*, 64
Throgmorton, Sir C. wishes not to give, 146
Tomkins, Mr. suggests a way of giving supply without a subsidy, 146
Tonnage and Poundage Bill, alterations proposed in, 12; Bill discussed, 43
Treasurer, Lord, see Ley, Lord
Treasurer of the Household, see Edmondes, Sir T.

Villiers, Sir E. makes a last effort for supply, 126

Wandesford, Mr. proposes that the sittings be removed, 8
Wards, Master of, see Naunton, Sir R. 107
Wentworth, Mr. speaks against Montague, 70
Wentworth, Sir T. wishes for an adjournment, 8; his election questioned, 13, 36, 44; opposes joining the Lords on the petition on religion, 30; speech on supply, 31; wishes subsidies to be postponed, 113
Weston, Sir R. reports the King's answer about the fast, 17; recommends the grant of a supply, 82; delivers a message to give an immediate answer about supply, 106; advises the House to give, 112
Weston, Sir S. speech on supply, 77; proposes a means of granting supply, 108
Westfield, Dr. appointed to preach, 6; excused, 29
Whistler, Mr. wishes the Lords to be consulted on the necessity of supply, 77; denies that there is any engagement, 122; holds to precedents, 146
Whitaker, Mrs. on Montague's book, 53
Whitby, Mr. on *habeas corpus*, 65
Whitehead, Sir R. advises a supply, 146
Whitson, Mr. on the behaviour of Sir F. Steward, 117
Williams, Lord Keeper, speech at the opening of the Session, 1; delivers the King's message on the adjournment, 41; his speech at Christchurch reported, 94

Yorkshire election, see Wentworth, Sir T.

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